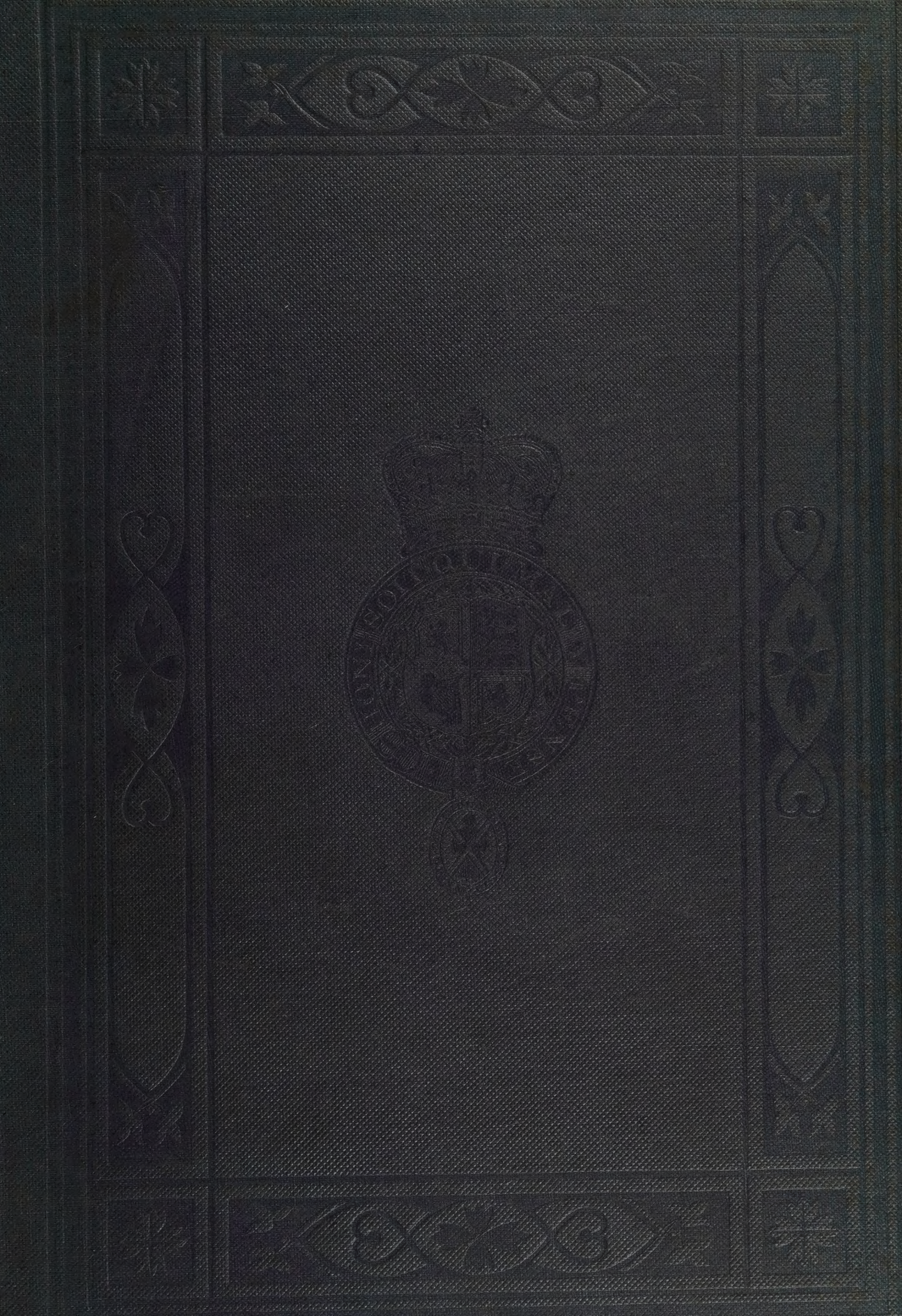

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

DAVID MASSON, LL.D.,

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VOL. III.

A.D. 1578—1585.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF
HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE LORD CLERK REGISTER OF SCOTLAND.

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INTRODUCTION.

THE two preceding volumes, both of them produced under the eminent editorial care of Dr Hill Burton, having exhibited the Register from its preserved commencement in 1545 as far as to June 17, 1578, with all that fulness of formal and textual transcript which was thought desirable with the earlier portions of such a series of national documents, it became incumbent on the present Editor, in commencing Vol. III., to put in practice those principles on which it had been officially arranged that the work should proceed when the gradually increasing bulk and variety of the original material should make a corresponding increase of compression in editing it absolutely imperative.

The principles so adopted were these:—1. Each printed volume still to be complete within itself for the period nominally embraced in it, *i.e.*, to contain an abridgment of the Register and of all relative documents, of whatever kinds, belonging to that period. 2. No document, however apparently insignificant, to be left uncalendared. 3. Minutes and documents of special historical importance or interest to be given entire, *verbatim et literatim* from the original. 4. The rest to be given in varying degrees of condensation, according to their nature and importance. 5. All proper names and names of places occurring in the originals to be preserved in the abstracts without exception, and in the exact original spelling. 6. The abstracts to retain as much as possible of the wording of the originals, and to include, within quotation-marks, all passages of peculiar emphasis or significance. 7. The dates, with brief descriptions of the nature and purport of the entries, to be given on one of the margins of each page, and the other margin to contain the references to the

originals as they are accessible in the Register House. 8. Historical footnotes to be given at points where anything in the Register, or any defect in it, might seem to require them, but solely for the purpose of elucidating the Register and enabling it to be read coherently.

With the exception of the few miscellaneous papers calendared at the end, all the matter in the present volume is from the bound folio volumes of original manuscript which, under the general name of ACTA SECRETI CONCILII, contain the minutes of the Privy Council, and of occasional Conventions of the Estates, as they were taken and transcribed at the time by the chief clerks of the Council under the Lord Clerk Register as the supreme clerk. There are one or two changes of hand in the course of the period, with differences of style and legibility. On the whole, the minutes through the entire period were beautifully and laboriously kept. Sometimes a minute is out of its proper place, as if it had been overlooked or purposely postponed; and sometimes there is a gap or break from evident omission or defect of transcript. Such occasional defects are to be accounted for almost always by something in the circumstances of the Council at the moment, and do not in the least detract from the respect one has to accord, on the evidence of such a mass of careful old manuscript, to the clerkship and business habits of Scottish officials in the sixteenth century. More to be regretted are the little breaks of continuity now and then from loss of pages that once existed, and the partial decay of portions of a good many of the surviving pages from bad keeping at some time. Great pains have been employed in deciphering these decayed portions of the Record.

The proceedings of the Privy Council registered so carefully as their ACTA, sitting after sitting, are mainly of four sorts. In the first place, there are the *Acta proper*, or orders of the King and Council in their capacity as the central Government of Scotland, with legislative powers as well as administrative, in the intervals between the Parliaments. It is in these Acta proper of the Council, taken in their chronological series, together with the Acts of the successive Parliaments, and also with the Acts of the successive General Assemblies of the Kirk in periods when there

were such Assemblies, that we have the authentic backbone of the History of Scotland from the Reformation to the Union. Next in importance, and very numerous, are the decisions of the Council on the cases that came before them in their peculiar judicial capacity. These, which were afterwards distinguished from the political edicts or Acta proper by being entered in a separate Register as the *Decreta* of the Council, were not so distinguished at our present date or for a good many years beyond it, but were registered, just as they occurred, in the general book of the Acta. As they generally embody narratives of the facts of the cases decided, they are often of the highest interest as illustrations of manners and customs and of the state of old Scottish life and society. They contain, in fact, exactly the kind of matter by means of which history, without ceasing to be rigorously authentic, may become full-bodied and picturesque. A third sort of entries, abundant in the Register, consists of the so-called *Acta Cautionis*, or engagements made to the Council by sureties or cautioners for litigants or accused persons, or sometimes by such persons for themselves, that certain specified acts shall be done, or certain specified acts or courses of conduct refrained from, under certain specified penalties. The frequency of such Acts of Caution in the Register, page after page, for all varieties of purposes, shows how large and constant had to be the reliance on this machinery of mutual responsibility and guarantee in the old social system of Scotland. Akin to the Acts of Caution, but distinguishable from them as a fourth class of occurrences in the business of the Privy Council, were the *Bands* or *Registrations of Bands*. Not only was it common for the Council itself to order parties at strife with each other, or parties under suspicion, to enter into obligations of mutual assurance, observance of the peace, or performance of duties prescribed; but, as has been explained by Dr Hill Burton in his Introduction to Volume I., it was not unusual for parties making contracts of their own accord to apply to the Privy Council for the insertion of such contracts in the Books of the Council, that they might thus have the force of Acts of the Council and might have swifter legal execution in case of the future default of either party.

With the exception of occasional minutes which it might be difficult to reduce under any definite head, the Privy Council Registers may be described as containing a succession or intermixture of the four kinds of matter that have been mentioned. It may be proper to state how these four classes of the minutes have been dealt with respectively in the present volume:—The Acts of Caution are generally the briefest in the Record itself, running in the formula that, on such a day, So and So became "actit and obleist" for So and So, to such and such effect, under a stated penalty. The entire substance of every such act is always given if the proper names of sureties and principals are accurately preserved, with the purpose of the Act and the amount of the penalty. Entries of this class in the present volume are distinguished for the eye by beginning always with the word "Caution," or some obvious equivalent. Though they come in often as brief and dry morsels of text interrupting the series of more attractive entries, their rigorous preservation, each in its proper chronological place, seemed historically essential. No one can know into what vital connection a proper name occurring anywhere may leap with things recorded somewhere else; and not unfrequently it turns out that a short and unimportant-looking Act of Caution minuted at some point becomes a datum for farther and more important procedure at some other point. —Bands and Registrations of Bands are necessarily longer than mere Acts of Caution, but are capable of considerable abridgment, without the least sacrifice of substance, by the omission of the recurring verbal formulæ common to all such documents. Here again preservation of all the proper names is indispensable. The place where a Band was drawn up and signed is also of consequence. The purport of a Band will almost always be best expressed by quotation of the core of the original. The words "Registration of Band" introduce documents of this kind in the following pages.—Especial care has been bestowed on the abstracts of the Judicial Inquiries and Decisions of the Council. Compression here has been attained solely by the omission of the recurring technical forms of phraseology. These often double or triple the length of a judicial minute; and, though they were

necessary for the legal completeness of the record at the time, their repetition in print *totidem verbis*, case after case, in such a volume as the present, would be a sheer waste of type and space, and would hide with verbiage the substantial interest of the cases themselves. That lies in the narratives of facts in each suit or complaint, and in the decreets or decisions pronounced. Nowhere has it seemed more necessary than here to use the method of close and constant quotation from the original. That judicial decisions should be given in the original words, where these are at all express, is obvious enough; but only intimate acquaintance with the Register of the Council as it stands in manuscript could make one sufficiently aware of the extremely graphic character, the rich old Scottish relish, the excellent faculty of rough descriptive wording, to be found in many of the summaries of facts leading to the decisions, and consequently of the duty laid on an editor in many places to conserve such passages of narrative in their strict original form. This duty has been studied in the present volume; and it is hoped that in every entry of the class now under notice (introduced generally by such an initial word as "Complaint" or "Suit") every patch or particle of the original wording has been preserved that, on any ground, demanded preservation. Wherever the reader finds himself within quotation marks, he may be sure that he is reading the *ipsissima verba* of the original record.—There remain the Political Edicts of the King and Council, their Acts of State and Government. While the minutes of such can often be given in compressed form, without the least loss of substance, by the omission of recurring formulæ, recapitulations of previous edicts, &c., it is naturally in this class of the contents of the Register that the presentation of documents entire in the original text becomes most frequently necessary or desirable. In the present volume about 140 documents, longer or shorter, have thus been printed entire and *verbatim*, on account of their peculiar historical interest or importance. Every such document is distinguished for the eye by having quotation-marks at the very beginning, whereas the abstracts do not *open* with quotation-marks. In the abstracts of other documents of historical interest, however, the essential portions of the original

text have always been incorporated, within quotation-marks, to the full proportion required by a student of records. Where a document of moment is not given fully, it is because it is already accessible, at large and in perfect shape, in the Printed Acts of the Scottish Parliaments. A general description, with a reference to the place in the Printed Acts, has been thought sufficient in such cases.

The period of Scottish History grasped by the present volume extends from June 17, 1578, when King James VI. was completing the twelfth year of his age and the eleventh of his reign, to July 31, 1585, when he had just entered on the twentieth year of his age and the nineteenth of his reign. It subdivides itself politically into four sections, as follows:—I. The Resumed Supremacy of Morton, from June 1578 to December 1580; II. The Lennox-Arran Administration, from December 1580 to August 1582; III. The Ruthven-Raid Government, from August 1582 to July 1583; IV. The Arran Supremacy, from July 1583 to July 1585. The causes of these rapid revolutions in the polity of Scotland within so short a time, the incidents and circumstances of each revolution at the moment, and the characteristics and leading actions of each Government while it lasted, receive ample and very interesting illustration from the Register of the Privy Council.

The Resumed Supremacy of Morton.

June 1578—*December* 1580.

Morton had been Regent for five years and four months when, in March 1577–78, he had been compelled to resign, very generally to the satisfaction of the nation, by that coalition against him which had resulted in the formal abolition of the Regency and the nominal assumption of the government by the boy-king himself at Stirling. Within three months, however, by the seizure of Stirling Castle and other dexterous management, the ex-Regent was back in power. This second term of Morton's power, no longer in the full Regency, but rather in the

guise of what we should now call a Premiership, began on the 12th of June 1578. Morton was then at Stirling, with the King in his possession ; and almost his first act had been an order that the Parliament which had been summoned to meet at Edinburgh on the 10th of July should not remain there, but should be adjourned to Stirling.

Through the documents with which the present volume opens (pp. 1–22) we see Morton in the first difficulties of his new position. The resistance to him was represented by a powerful faction of the nobility and lairds, led by the Earls of Atholl, Argyle, and Montrose, and Lords Lindsay, Maxwell, Herries, Seton, Livingston, and Innermeath, and having their head-quarters in Edinburgh. The country rang with denunciations of Morton. Especially it was declared that he had seized the person of the young King by force and was detaining him now against his Majesty's own will, and that the Parliament to be held by his direction round the royal prisoner in a guarded place of strength like Stirling Castle could only be a mock Parliament, managed for tyrannical purposes. In vain were these rumours met by proclamations of his Majesty's perfect satisfaction with his condition at Stirling; in vain did the Parliament meet at Stirling, from July 15 to July 26, and pass Acts in the usual form. It was but a Parliament of the Morton faction, attended by only a few of the other faction, and by these under protest. The appeal was to arms, and a civil war was imminent. Orders had gone out for levies on both sides, the King's host to meet at Stirling, under the command of Morton's nephew, the Earl of Angus, commissioned as his Majesty's lieutenant, and the host of the malcontent lords to rendezvous at Edinburgh, thence to march to Stirling for what was called the liberation of the King. Not till the two hosts were all but in clash near Stirling was a successful negotiation brought about. On the 14th of August, chiefly by the exertions of the English ambassador, a Treaty of Accommodation was concluded on terms of mutual concession, with full indemnity to the insurgent lords. It was stipulated in the Treaty that two of the insurgent lords should be brought into the Council, in addition to Atholl and

Argyle, who were already members of it, and also that the adjustment of remaining differences between the factions should be left to a committee of eight noblemen, to be appointed by the King, with the advice of the Queen of England (p. 22, footnote, p. 25, and p. 33). There was no substantial weakening of Morton's power by these arrangements, and thenceforward his resumed supremacy was tolerably secure.

It was exercised nominally in the form of the Premiership in two successive Councils. Till November 1579 there was the Council of twenty persons that had been appointed in July 1578, by Morton's own influence, in the Parliament of Stirling (see the list, p. 14, footnote), but enlarged by the addition provided for in the Accommodation Treaty of August, and by occasional admissions afterwards. A new Parliament, however, having met at Edinburgh in October 1579, this Council was, as usual, superseded by a special Act, of November 11, reconstituting the Council as it was to stand till the next meeting of Parliament. As thus reconstituted in November 1579, the Council consisted of twenty-seven persons (see the list, p. 233, footnote); but, as there were new admissions and other modifications from time to time, that number did not remain constant. In reality both Councils consisted very much of the same material. There was Morton himself, with the "first rowme and place" in the Council expressly reserved for him. Next in dignity by virtue of office, and taking the first place in Morton's absence, or once or twice even in his presence when Morton saw reason for that courtesy, was the *Lord Chancellor of the Kingdom: i.e.*, for a while, Morton's rival, John, 4th Earl of Atholl, who had been appointed to the office in April 1578, during the abeyance of Morton's power, and retained it till April 24, 1579, when he died suddenly in circumstances that gave rise to rumours that he had been poisoned (p. 143, footnote, and p. 184); but afterwards, from August 17, 1579, Morton's other chief temporary adversary, Colin, Earl of Argyle (p. 206). Notwithstanding the accommodation between Morton and his adversaries in August 1578, Atholl held aloof from him till March 1578–79; in which month, as if in token of their reconciliation, he did make one or two

appearances at the Council Board, and is named first in the sederunt (p. 115 and p. 118),—a fact not forgotten in the gossip respecting his death in the following month. Argyle had already taken his place amicably with Morton at the Council Board in October 1578. The Earl of Montrose and Lord Lindsay, the two lords of the Atholl-Argyle faction that had been brought into the Council by the Accommodation, are found in their places from about the same time (pp. 45–46). Among the other members of both Councils were these :—Robert Stewart, Earl of Lennox, the King's great-uncle ; Morton's relative, the Earl of Buchan* ; Morton's nephew, the Earl of Angus ; the Earls of Eglinton, Rothes, and Mar ; Lord Ruthven, *Treasurer ;* Lords Boyd, Ochiltree, and Cathcart ; Robert Pitcairn, Commendator of Dunfermline, *Secretary ;* David Erskine, Commendator of Dryburgh ; Adam Erskine, Commendator of Cambuskenneth ; and Sir William Murray of Tullibardine, *Comptroller.* Important personages in the second Council, from November 1579, were Mark Ker, Commendator of Newbattle ; James Stewart, Commendator of St Colm's Inch ; Alexander Hay of Easter Kennet, *Clerk of Register ;* and Mr James Haliburton, Provost of Dundee. In all, from the establishment of Morton's resumed supremacy in August 1578 to the end of 1580, there were about 300 meetings of Council, longer or shorter, important or formal, or at the rate of about one every three days. Only a proportion of the sederunts are fully recorded ; but from these it appears that by far the most constant attendant in the first Council was the Commendator of Cambuskenneth. In the two Councils together Morton himself, Ruthven, Cathcart, the Commendator of Dunfermline, and Sir William Murray of Tullibardine were the most frequent in their attendance after the Commendator of Cambuskenneth ; next to whom were Argyle and Ochiltree. The Commendator of Dryburgh, the Earl of Buchan, and the King's great-uncle, Lennox, were frequent attendants in the first Council, but are missed, or are much less regular, soon after the beginning

* The phrase "Morton's brother" attached to this earl's name in footnote at p. 14 is misleading. He was half-brother of the late Regent Murray, and brother of William Douglas, 6th Earl of Morton.

of the second; and next in order, on the whole, are Rothes, Montrose, Angus, Eglinton, and Boyd. The young King himself took his seat in the Council occasionally, whether to learn business or to grace a sederunt of more than ordinary importance. The King's preceptor, George Buchanan, holding also the office of *Privy Seal*, was present at intervals in the first Council, but seems to have all but wholly ceased attendance in the second, though put upon that Council also by Parliament.

Morton's policy in his Premiership was a continuation, as far as possible, of that of his Regency. While governing Scotland strictly, and somewhat severely, as before, in the name of the King, he continued to maintain the Reformed Religion, the alliance with England, and the good understanding with Queen Elizabeth personally, and was on the alert to suppress all signs of movement among the relics of the Marian party, and to prevent communication either with Mary herself in her English captivity or with France or any other Roman Catholic power in her interest. Among the illustrations of this policy furnished by the Register a few may be noted.

Great care continued to be taken of the King's person and of the management of his Court and household, both in Stirling, so long as it was possible to keep him still in the seclusion there to which he had been accustomed from his infancy, and afterwards, as his advance from his thirteenth year to his fifteenth demanded greater freedom, with changes of residence for a time from Stirling to Edinburgh, and movements to other places. In illustration, see the renewed order, at p. 105, against the appearance of armed men within Stirling Castle, during the King's stay there, under pain of death; also the Act, at p. 112, exonerating the Mar family for their past services in the custody and tutelage of the King, and providing for the future attendance upon him in his excursions about Stirling; also the curious order at pp. 116–118 enforcing the Act of Parliament for the compulsory supply of the King's household and the nobility with wines by the importers and merchants at regulated prices; also the suggestion of Mr Peter Young, the King's sub-preceptor and eleemosynar, at p. 137, as to a change in the form of an

annual alms distributed in his Majesty's name, and the consequent order, at the same page, for preventing the resort of paupers, and especially of "certane weill knawin and notorius lymmaris and ydell vagaboundis" to Stirling; also the orders, at p. 139 and p. 186, respecting the expenses of the royal household and respecting napery for the royal table. The order at p. 185 for the instant ejection from the realm of a suspicious Frenchman, "calling himself the Quene his Hienes moderis secretarie," who was haunting Stirling and trying to communicate with the King, illustrates the extreme care taken to stop correspondence between his young Majesty and his captive mother. How successful this vigilance must have been appears from the paucity of mentions of the captive Queen in the Register. One would hardly know that she was alive but for this notice of the suspicious Frenchman and one or two entries besides: *e.g.*, that at p. 194 concerning certain articles of furniture and upholstery,—such as "half ane littair of crammosyn velvote freyneit with gold and silk," "twa litill fute mantillis of the same velvote freynyeit with gold and crammosen silk," and "ane bed of violet velvote garneist with ruif and heidpece,"—which had belonged to Queen Mary in former days and were to be recovered as now his Majesty's property. "Inventar of his Hienes movabillis quhilkis appertenit to the Quene, his Hienes dearest moder" is one of the phrases; but the phrase was one of fashion merely, and the lesson inculcated on the King by all about him was that much thought about his "dearest moder" might be inconvenient.

Revenue arrangements figure much in the Register. It is evident, indeed, that one of the constant difficulties of the Council was in obtaining means for the current expenses of the royal household and of the ordinary public service. One device was the revocation of grants made out of the superplus of the thirds of benefices,—*i.e.*, of that portion of the third part of the fruits of all the benefices of the old or disestablished Church which remained for royal use after the guaranteed provision out of that fund for the stipends of the new or Reformed clergy. See pp. 29, 35, and 49. But the device was extended into a revocation of all gifts and pensions made out of any part of the royal

revenue whatever during the several Regencies that had preceded his Majesty's late assumption of the government in his own person. For this wider business see entries at p. 48, p. 200, and p. 287. Another source of profit to the exchequer was that pointed out in such Coinage orders and regulations as those at p. 17, p. 31, p. 32, and p. 287; the last of which proves that, in spite of all the exertions made in this and other ways, his Majesty's debts were continually on the increase. One cause seems to have been the growing facility of the young King himself in yielding to importunities privately addressed to him. Efforts were made to stop this by such regulations as those at pp. 284, 285, 286, and 326; but either the King was incorrigible or the private pressure upon him remained irresistible.

No part of Scotland so tasked the attention of the Scottish Government in those days as the Borders. The Highlands, the other outstanding region of disorder and misrule, were attacked but intermittingly by the central powers in comparison with the Border country from Berwick to the Solway. How largely the business of subduing and controlling the Borders, handed on from previous generations, and prosecuted by Morton in his Regency, continued to occupy him through his resumed supremacy, may be gathered from such entries in the Register as those at pp. 24, 41, 62, 63, 65, 169, 262, 263, 306, 309, and from others easily to be traced by the Index. In entry after entry one hears of particular Border lairds and of the individual thieves or the thieving families for whom they were held responsible, of Border raids and riots in spite of the lairds or with their connivance, and especially of the Border pledges, or those notorious Borderers who had been dispersed through the Lowlands in various custody in great houses, whether for their own past misdeeds or as hostages for their relatives, and who were naturally in the habit of escaping back to their homes and their old employments whenever they could. In the course of the first 340 pages of the present volume, indeed, one has already become acquainted with a whole population of rough Scotts, Elliots, Armstrongs, Bells, Johnstons, Turnbulls, Kers, Irvings, Carlyles, &c., once astir on the Marches, and familiar with certain famous

individual figures among them, the most restless and unmanageable of all, rejoicing in such nicknames as The Windy Duke, Jock's Willie, The Bender, Sandy's Ringan, Ill Hob, Mirk Hob, Clem the Crown, Red Adie, Red Martin, Lang Andro, &c. Interwoven with the miscellaneous entries about Border business which make us acquainted with these personages, there are certain entries of special importance in the history of the Borders through Morton's resumed rule. At p. 38, for example, under the date October 11, 1578, there begin a series of entries relating to a rapid but great expedition under Lord Treasurer Ruthven for the subjugation and pacification of the Borders. We hear there of the armed levies over the kingdom ordered for the purpose; in subsequent entries at p. 41 and p. 46 we hear of the postponement of the expedition and of a vote of a general tax of £12,000 by the Estates to make it more effective; at p. 56 we learn that this tax had been complained of as unconstitutional, and that the Council found it necessary to issue an apologetic declaration on the subject; and, though there is an Act of Exoneration to Lord Ruthven at p. 63, under date January 19, 1578–79, implying that Ruthven was then back from his lieutenancy, the results of his expedition are to be studied in subsequent entries to p. 87 or farther. Connected with that expedition, or growing out of it, was a change in the Wardenship of the most difficult and troublesome of all the Border districts, that of the West March. In the office of Warden of this march at the time of Morton's resumption of power was Lord Maxwell; and the story of the displacement of this nobleman in the end of January 1578–79, and the appointment instead of his relative and rival Lord Herries, is of unusual interest. The change was not made till both noblemen had been heard before the Council, and had expounded, in writing as well as by speech, their different views of the methods by which the Borders might be best governed. Their pleadings and the effects produced on the Council are the subjects of successive minutes from p. 73 to p. 86; and the long and elaborate *Discourse of Lord Herries*, printed in full at pp. 77–82, and *Lord Maxwell's Answer*, which follows at pp. 82-84, are extremely valuable State documents.

Traces of Lord Maxwell's resentment of his loss of the wardenship, and of difficulties with him in consequence, appear in subsequent parts of the Register; and the rivalry for the office, and for the personal ascendancy which it implied in the West Border district, becomes complicated in August 1579, when Lord Herries is found superseded by a third Border chieftain of great note in those days, the Laird of Johnston, or John Johnston of that Ilk. See p. 207; and also, for evidences of Lord Maxwell's continued contumacy under the Laird of Johnston's wardenship, pp. 286, 287, 289, 297, 298, 302, and 304. Whether Maxwell, Herries, or Johnston was Warden of the West March, or whoever were Wardens or Keepers of the other Border districts, the management of the Borders remained an insoluble problem; and later entries, at pp. 310, 317, 328, 332, and 333, show that, in September, October, and November 1580, or near the close of our present period, when the Laird of Johnston was still Warden of the West March, and John Carmichael younger of that Ilk was Keeper of Liddesdale, and Walter Ker younger of Cesfurd was Warden of the Middle March, all district police was as insufficient as ever for repressing the constant "enormities of the thieves and broken men" on the Borders, and there had to be proclamations for musters of armed men from the south of Scotland generally for another united effort.

The most memorable political action of Morton in his resumed supremacy was the *Prosecution and Proscription of the Hamiltons.* The circumstances of this great Scottish family since the accession of James VI. to the throne are explained in some detail in footnotes at pp. 115–116, and pp. 147–148. The documentary safeguard on the faith of which they and the other chiefs of the defeated Marian party had been living on in Scotland was the famous "Pacification of Perth," arranged by Morton himself in February 1572–73, and signalising the beginning of his Regency. While by this treaty the Hamiltons, with other Marians, had received indemnity for their general activity on Mary's side in the civil wars, a special provision had been made for the two of them who lay under the less pardonable charge of having been concerned in the murders of the Regents Moray and Lennox,

These were Lord John Hamilton, Commendator of Arbroath, and Lord Claud Hamilton, Commendator of Paisley, two of the sons of James, the magnificent second Earl of Arran and Duke of Chatelherault, and then already for some time the active heads of the family, in consequence of their father's growing indolence and the lunacy of their elder brother. It was provided in the Treaty that, while the Regent could not of his own authority include in the indemnity a matter of "sic wecht and importance" as the murders of the two Regents, he would yet refrain from stirring it at that time, and would be guided by any advice about it that might be given him by the Queen of England. The advice having been that the business might be let sleep till the Scottish King came of age to take cognisance of it himself, the two Hamilton brothers,—more visibly the heads of the family by the death of their father, the Duke of Chatelherault, in 1575, and by the continued and hopeless seclusion of their brother James, his successor in the Earldom of Arran,—had been left undisturbed in their estates and honours, apparently without expectation that the question against them would ever be re-opened. Whether because the question itself really rankled in the memory of Morton and his adherents, or because the great estates of Lords John and Claud were an attraction, or because a new blow at the relics of the Marian party and at the powers and claims of the Hamiltons in particular was thought politically desirable, the re-opening of the question became part of Morton's policy in his new lease of the government. The blow seems to have been meditated and in preparation as early as March 17, 1578–79 (see p. 115); but it fell suddenly and swiftly in the Act of Council of April 30, 1579, given in full at pp. 146–147, and signed by Morton and thirteen other chiefs of the nobility in attestation of its unusual importance. It ordered the immediate execution of the old Acts against the two Hamiltons, the seizure of their estates, the apprehension of their persons, and whatever armed action might be necessary for these purposes. The rest of the story straggles on through a series of proclamations, orders, and minutes, extending over six months. The most important documents in the story through May 1579 are those at pp. 149, 152,

153, 154, 157, 159, 160, 165, 167. There we see the Council breaking itself up into two sections, one remaining at Stirling, and the other, with Morton and Angus at their head, taking the field as a Commission of Lieutenancy for the pursuit of the Hamiltons, the siege of their castles of Hamilton and Draffen, &c.; and, when the two parts of the Council come together again on May 22, we see that, though the two brothers themselves have escaped as fugitives into or through England, their castles have been taken, their adherents crushed, and the power of the family effectually broken. Then, from May to October, we have not only continued denunciations of the fugitive brothers or orders respecting their estates, as at pp. 174, 176, 178, 180, 189, but also proceedings of various penal or precautionary kinds against successive batches of persons of the name, kin, and following of Hamilton, as at pp. 170, 171, 172, 173, 174, 179, 183, 184, 185, 187, 222, ending at p. 232 with a general order, of October 28, banishing from Edinburgh and the Court all of the surname of Hamilton, with one exception. This extraordinary series of orders in the matter of *the Prosecution of the Hamiltons*, while it gives one more definite ideas of the power of that family in old Scottish society, is instructive also as showing the importance in that old society of any widely ramified family name and connection.

Perhaps it is in the matter of the *Relations of Morton's Government to the Reformed Kirk and Clergy* that the information in the Register requires most to be supplemented and interpreted by information from other sources.

Nothing strikes one sooner in dealing with Scottish records of the latter part of the sixteenth century than the fallaciousness of the notion that the Reformation of 1560 was a change in the fabric of Scottish society completed once for all in that year. In the first place, though Protestantism was thenceforward the established national religion, the framework of the system of the old Church still pervaded Scottish society, in the form of the secularised remains of the bishoprics, abbacies, priories, nunneries, and other ecclesiastical institutions and dignities, with all the incrustations upon them of life-interests and conveyances of rights.

Not only were ex-bishops walking about, still called bishops, and holding their old temporalities; not only were the old abbacies and priories perpetuated in a number of so-called "Commendatorships," distributed among the new Protestant nobles or Protestant lairds, without any other function attached to them than that of managing the old ecclesiastical properties and drawing the revenues; not only did these great laymen figure so constantly by their mere ecclesiastical titles, as Commendator of A, Commendator of B, Commendator of C, Commendator of D, &c., that it is often difficult to identify them by their proper names and a perfect list of them is still a desideratum; but one is puzzled for many years after the Reformation by encountering deans, canons, prebendaries, monks, convents of monks, and even "rectors" and "parsons," who turn out to be no spiritual personages at all, but only remanent waifs of the old system or lay successors to some of its benefices. In the second place, the Reformed Kirk of Knox and his colleagues in 1560 had started as but an authorised Protestant home-mission, much undermanned for its work of evangelising the nation on the new principles, and with its constitution and its relations to the State still to seek. The ideal constitution tendered to the State by Knox and his colleagues in 1560 in *The First Book of Discipline* had remained waste paper. This was not so much because it proposed a substantially Presbyterian organisation of the clergy, to consist of a body of regular and popularly elected pastors or ministers in fixed parochial charges, together with a temporary inferior order of "readers" for places not yet supplied with ministers, and a temporary superior staff of ten "superintendents," exercising a roving preachership and vigilance over so many districts or dioceses. It was rather because it alarmed the nobles and others interested by assuming that the bulk of the revenues of the old Church ought to descend to the new, and be applied in the sustentation of this clergy, the relief of the poor, and the maintenance of schools, district colleges, and the universities. Accordingly, the Reformed Kirk had been obliged to persevere as well as it could by its own energies and methods as a gradually increasing body of clergy under State protection, taking possession

of the country, enforcing discipline, holding provincial synods, and discussing all questions between it and the State in the series of its General Assemblies. The differences that had arisen between it and the State in the course of the eighteen years between 1560 and 1578 had been mainly on three subjects—(1) the patrimony of the Kirk; (2) the readmission into the Kirk of the name and order of bishops, and of other titles and dignities of the old ecclesiastical system; (3) the extent of the Kirk's jurisdiction and of the liberty of the clergy in the censure of offences and in commenting on public persons and public affairs. The first question had been practically settled as early as 1561–62 by the Acts of State arranging that two-thirds of the revenues of the old Church should remain in the hands of "the auld possessouris," while the remaining third should be constituted into a fund to be applied partly in providing stipends for the Reformed clergy and partly for general Crown purposes (see footnote, p. 31). This arrangement, which Knox had characterised as "two parts freely given to the Devil, and the third part divided betwixt God and the Devil," had seemed most inadequate to the Kirk; and, as it had remained substantially the utmost the State would yield, the question of the recovery of the patrimony of the Kirk had never ceased to be agitated among the clergy. The question of the readmission of bishops and other ecclesiastical dignitaries into the system of the Reformed Kirk had been stirred more gradually. There can be no doubt that to some of the leading nobles the introduction of a modified Episcopacy recommended itself on general grounds of political expediency, and as a desirable assimilation of the Scottish Kirk to the neighbour Church of England; but in the years 1571 and 1572, during the regency of Mar, there was a special inducement in the same direction. One or two of the surviving bishops and other dignitaries of the old Church having died, or having incurred forfeiture by their Marian partisanship, what was to be done with their reserved revenues of the two-thirds? Were they to lapse to the Crown; or were they to be given to the Reformed Kirk, the prelacies to which they had been attached wholly ceasing; or might it not be more con-

venient for the nobility and lairds that the prelacies should not be dissolved, but should be engrafted upon the Reformed Kirk, with special arrangements as to the future of the revenues? Partly by intimidation, partly by the judicious management of a Conference at Leith, in January 1571–72, between Commissioners of the Regent and a representative committee of Superintendents and Ministers of the Kirk, the conclusion was arrived at that, "in consideration of the present state," the names and titles of archbishops and bishops might stand in the Kirk "as they did before the Reformation of Religion," and also that the titles and places of abbots, priors, and commendators might be continued in certain Kirk connections on certain terms. Thus, in 1572, just before the death of Knox, there was introduced into the Kirk of his foundation, sorely against his will, what is called the Tulchan Episcopacy. "A *Tulchan* is a calf's skin stuffed with straw, to cause the cow give milk," explains Calderwood, adding that, in the first appointments to the new bishoprics in Scotland, "the lords got the benefices, and presented such a man as would be content with the least commodity, and set the rest in feus, tacks, pensions, to them and theirs." For a while the Kirk, with some of these merely nominal bishops inserted among its superintendents, parish ministers, and readers, was swayed a good deal in the Episcopal direction, and it seemed that it might be gradually reconciled to an order of bishops that should have real Episcopal powers. Very soon after Knox's death, however, there came a wave of reaction. In the ten General Assemblies held through Morton's Regency, between the end of 1572 and the beginning of 1578, there was incessant mention of the new bishops, with examinations of their conduct, and censures, or threatened censures, of some of them. More especially from the year 1575, when Andrew Melville, who had just returned from his ten years of residence abroad, and had been made Principal of the University of Glasgow, began to be a member of the Assemblies, it became evident that there had been formed a Presbyterian phalanx among the Kirkmen, who would be content with nothing less than an abrogation of the Episcopacy which had been conceded by the Leith Conferences of

1571–72, and a perfection of the Church of Knox on the most strict Presbyterian model. That question of a final "Polity," or constitution for the Kirk, which Regent Morton and his statesmen were reluctantly considering at last, was taken up in earnest by the General Assemblies; and the result was the elaboration of the famous *Second Book of Discipline*, passed by the General Assembly of April 1578, of which Melville was Moderator. This document formulated, in a more systematic manner than the *First Book of Discipline* had done, the specific principles of Scottish Presbyterianism. It agreed with the earlier document in reclaiming the entire patrimony of the Kirk. It was at one with the earlier document also, and with the whole spirit and practice of Knox, in vindicating for the clergy the right of free speech, and for the Kirk the right of spiritual jurisdiction and censure over all ranks and persons whatever. It propounded this right most definitely in the form of the theoretical distinction in every State between the civil power and the ecclesiastical power,—the power of the sword and the power of the keys. But it revised the earlier document in some respects, and addressed itself more directly to the points that had come to be vital. It rejected the offices of superintendents and readers from among those necessary in the Kirk, reducing the authorised offices to those of pastors or ministers, doctors, elders, and deacons. It recognised the name bishop in the Primitive Church as only another name for pastor or minister, denied the lawfulness of bishops with diocesan jurisdiction, and implied that the name had better be given up altogether, as vitiated. It demanded the utter abolition out of the Kirk, or in any sort of conjunction with the Kirk, of such "Papistical titles" as abbots, commendators, priors, prioresses, convents, and also the dissolution of all such adjuncts of the old abbeys and cathedrals as deans, archdeacons, chapters, chanters, treasurers, chancellors. It contained also a very important suggestion towards the completion of that Presbyterian system of organisation which it expounded and advocated. Hitherto the courts or collective agencies chiefly heard of had been the General Assemblies and the Provincial Synods; but now there was a sugges-

tion towards the establishment or development of the more local assemblies called Presbyteries.

The *Second Book of Discipline* was passed by the Kirk, and was presented to the King, precisely in that interval between Morton's resignation of the Regency and his reassumption of power which was the time of the nominal beginning of the King's government "in his awin persoun." When, therefore, Morton did come back into power, there devolved upon him the difficult business of dealing with the proposed new Kirk Polity. Now, though always faithful to the Protestant Reformation, Morton had never favoured extreme Presbyterianism. He had been among the most rapacious and tenacious in his private appropriations of the old Church revenues; he had inclined to a national Church on the Episcopal model, somewhat like that of England, and had been one of the chief agents in introducing and extending the Tulchan Episcopacy; he had resisted the liberties of speech claimed by the Reformed clergy, and had been heard to employ very strong language about some of them, and about the necessity of bringing them collectively into order. But circumstances were altered. The nation was thoroughly roused; the young King himself had received the new Book of Polity most graciously; and the Council then round his Majesty had appointed conferences with the clergy on the subject. The question of "The Polity," accordingly, could not be avoided. It came up in that Parliament of Stirling which met round Morton while his renewed supremacy was still in peril. The new Book of Policy having been presented to that Parliament, all that could be done was to evade immediate decision, and to limit the Act which did pass "Anent the Policie of the Kirk" to the appointment of a commission of twenty-seven persons to deliberate and report to next Parliament. Very much in this state did the question remain through the rest of Morton's administration. The history of it through the two years and a half divides itself into two stages. In the interval between the Parliament of Stirling in July 1578 and that of Edinburgh in October 1579 the conferences and consultations went on, stimulated by the continued zeal against the Tulchan bishops shown in two General

Assemblies, which met at Edinburgh in October 1578 and July 1579. The clergy seem at this time to have had considerable hopes of ultimate success and much confidence in the good dispositions of the King personally. Then, the question of the Polity having been again shelved in the Edinburgh Parliament, with only another vague Act "Anent the Jurisdictioun of the Kirk," in which essentials were referred to another deliberative committee of thirteen, with Morton at its head, the hopes of the clergy seemed to be changed into anger and impatience. This was shown in the two General Assemblies held at Dundee and Edinburgh in July and October 1580, but especially in that at Dundee, where an Act was passed condemning, without reserve, "the office of a bishop as it is now used," and instituting proceedings for the abolition of the Tulchan bishops by the Kirk itself.

Illustrations of the persistence of that chaos of the wrecks of the old ecclesiastical system amid which the Reformed Kirk had been planted and was growing into shape are numerous enough in the Registers of the Council through the whole of the present volume. Commendators, for example, meet one at every turn. There are Commendators in the Council itself, and among the chief men there; but Scotland round about bristles with other Commendators. Whoever is interested in any of the post-Reformation abbacies and priories between 1578 and 1585 is pretty sure to find by the Index something about it, and about some quite secular or only quasi-ecclesiastical transaction by the holder of the commendatorship, though the name of the holder is generally concealed by his title, and has to be ascertained otherwise, if it can be ascertained at all. So, though less numerously, with surviving monks or conventual brethren, and surviving parsons and vicars without cures. Ex-bishops of the old Church also appear now and then, and sometimes rather interestingly. Such matter, however, runs through the whole volume; and our concern at present is with the notices which the Registers furnish of the relations of Morton's Government from 1578 to the end of 1580 to the Reformed Kirk and to the great question of Kirk Polity:—One observes, in the first place, that the Tulchan prelates, who, of course, had seats in Parliament for the Ecclesiastical

Estate and sat in Morton's two Parliaments of 1578 and 1579, also went and came occasionally about his first Council, but desisted from attendance in his second. Thus, in the recorded sederunts of the first Council, or of the little Conventions into which it sometimes swelled, we find these as present, once, twice, or oftener,—Patrick Adamson, Archbishop of St Andrews (appointed by Morton in 1576, in succession to John Douglas, the first Tulchan Archbishop); James Boyd, Archbishop of Glasgow; David Cunningham, Bishop of Aberdeen; Alexander Campbell, Bishop of Brechin; Andrew Graham, Bishop of Dunblane; James Paton, Bishop of Dunkeld; George Douglas, Bishop of Moray; and Adam Bothwell, Bishop of Orkney. From the fact that they discontinued such casual attendance one may infer that Morton's Government became less and less inclined to an open conflict in behalf of bishops with the popular or Presbyterian party. The same impression is conveyed by the minutes of proceedings relating to Church matters. Thus, in the wording of the Act of Council at p. 29, of date September 16, 1578, revoking pensions granted out of the superplus of the thirds, there is some studied recognition of the preferential claims of the Kirk in the apportionment of the thirds. Again, at pp. 95–96, where Archbishop Adamson's own conduct and rights of jurisdiction come up for consideration, in connection with a case of the intrusion of a minister into a parish against the will of the parishioners, the decision is not in favour of Adamson, but refers the case to next Parliament. Almost at the same moment, pp. 98–100, there is a case in which Archbishop Boyd of Glasgow is the complainant; and here, too, the decision is postponed. At p. 124 there is a complaint of John Campbell, Bishop of the Isles "be his Hienes favour and the ordour ressavit in the Reformit Kirk of Scotland," against a number of the clan M^{c}Lean and others for obstructing him in collecting his emoluments and profits, and some of the accused are denounced and put to the horn for non-appearance; but the obstruction here was not Presbyterian obstruction, but mere Highland obstruction. At p. 130 there is a curious case in which two persons who want to get married complain that a minister ordered by the Civil Courts to solemnise the marriage has not only not

done so, but has stopped the possibility of the marriage by procuring a sentence of excommunication against one of the parties, and that the Kirk assemblies will afford no redress. The Council do here treat the case as one of civil right, but leave the chief pursuer to his remedy in the ordinary courts. The entry given in full at pp. 176–177, under date June 2, 1579, is peculiarly important. The two great abbacies of Arbroath and Paisley having became vacant by the proscription and flight of Lords John and Claud Hamilton, a supplication had been presented, in the name of the clergy, to the King and the Council, pointing to the dissolution of these abbacies and the release of their "haill fruits," or a reasonable portion of them, for the sustentation of preaching ministers, and citing as an argument for such procedure the fact that in the conferences then going on, by order of the last Parliament, towards the establishment of a new and more perfect ecclesiastical polity, there had been general agreement at least in the one article of the necessity of a dissolution of all the great prelacies and a reapplication of their revenues. The Council do all they can in the circumstances. They advise his Majesty to suspend all gift or promise of the vacant abbacies "quhilk may hinder and prejudge the dissolutioun of the same," and they register their Act to that effect in the most express form. It was the greatest concession yet made to the Presbyterian demands. It must have had the general approbation of the Council; but one observes that it was passed at a small meeting, and that Morton himself was not present. At p. 209, nearly three months afterwards, at a meeting at which Morton *was* present, and also the King in person, one finds less of compliance with Presbyterian sentiments and tenets. A minister having, by command of the General Assembly, intimated a sentence of deprivation pronounced by that body against a certain reader, and having pleaded that he ought not to be obliged to produce before the King and Council either the Assembly's sentence or his own intimation of it, "they not being judges competent thairto," the Council do find themselves to be "judges competent in the said mater," and peremptorily order the production. There is more of deference to the Kirk in the next

two entries that it seems worth while to notice. One, at p. 264, is an order of February 9, 1579–80, for more strict Kirk order and discipline in his Majesty's own Household; the other, at p. 277, is an order for enforcing the Acts requiring public confession of the Protestant Religion and observance of Sundays, with an order for a Fast thought expedient by the clergy of Lothian. Not till December 1580, or the last month of Morton's tenure of power, do we come upon a distinct personal attack on any of the leaders of the Presbyterian clergy. At p. 335 there is an order for the appearance of Mr John Durie, minister of Edinburgh, before the Council, to answer for words disrespectful to his Majesty and some of the Council spoken in a sermon in St Giles's Church; and in the same page there is an order committing Mr Durie to ward in Edinburgh Castle for his contemptuous demeanour when he did appear. The King and Morton were both present when this second order was given; but, in reality, Mr Durie's offence concerned others than Morton, who was then reeling to his fall.

The fall of Morton was, doubtless, hastened by the imperfection of the relations between him and the Presbyterian party, and by their consequent distrust. But it had been prepared for by a combination of causes. Not only was there the smouldering of the old differences between Morton and others of the nobility; but the young King himself, brought from Stirling to Edinburgh in his fourteenth year, and thenceforward with greater liberty of society and of locomotion, had begun to have likings for pleasanter persons than Morton. Now, from September 1579, there had been about him the pleasantest man he had ever seen in the world. This was his French kinsman, Esmé Stewart, Lord D'Aubigny, a comely, red-bearded man, about thirty years of age, who had come over from France, no one knew exactly with what purpose, but presumably to see the quaint little land of his ancestry, and renew his family connections with Scottish Royalty (see more about him in footnote, pp. 213–214). Having once come, however, he seemed in no haste to go away again; and, though rumours arose that he was an agent of the Pope and the Guises, sent into Scotland to undermine Morton, bring back Scotland from the English Alliance to the French, effect a con-

junction between King James and his captive mother, or even undo the Scottish Reformation and restore Popery, his own plausibility and the King's extraordinary affection for him overcame all difficulties. He professed publicly his conversion to the Protestant religion, and did all he could to remove the suspicions of the clergy and others (p. 295, footnote), and to qualify himself to be a naturalised Scot. He became such in the most splendid fashion possible, and yet by an arrangement that seemed natural. The Lennox estates and earldom, which had belonged to the King's grandfather, the Regent Lennox, and would have come to the King's father, Lord Darnley, had he lived, had been inherited by the King himself on his grandfather's death in 1571; and, though the earldom had been conferred on the King's uncle, Charles Stewart, Darnley's younger brother, and then, in June 1578, on the King's great-uncle, Robert Stewart, the surviving brother of Regent Lennox, a sense of the King's own personal interest in both the earldom and the estates still remained. Various entries relating to the Lennox property, its rights and liabilities, and the writs or "evidents" on which it depended, are to be found in the Register before there was any appearance of the French stranger, Lord D'Aubigny, and while the Lennox earldom was still held by the King's great-uncle, Robert (see pp. 5, 8, 122, 145, 162–163, 181). For this Robert, Earl of Lennox, much heard of in the records through 1578 and 1579 as one of the Council, &c., and who figures himself as a feeble-minded gentleman, with a too young and ambitious wife, the arrival of D'Aubigny was very inauspicious. D'Aubigny being a scion of the Lennox family,—*i.e.*, a son of an emigrant brother of the late Regent Lennox and of this Earl Robert,—might not the Lennox earldom and estates be transferred to him? This is what was actually resolved almost immediately after D'Aubigny's arrival, and fully accomplished in March 1579–80, before he had been six months in Scotland. The reader is referred to pp. 253, 256–259, 271–272, for a series of important entries relating to the transfer, and to the history of the Lennox earldom. From and after March 5, 1579–80, the French Esmé Stewart, Lord D'Aubigny, was Earl of Lennox, the dispossessed Earl Robert being

compensated with the Earldom of March. The great abbacy of Arbroath, vacant by the proscription and exile of Lord John Hamilton, was another of the King's gifts to his fascinating French relative, and this in violation of the recent resolution of the Council that neither that nor any other vacant abbacy should be filled up while the consultations on kirk polity, pointing to a possible dissolution of the abbacies, were in progress. Thus one of the chief and wealthiest men in the realm, and constantly in the King's company, with other clever Frenchmen whom he had brought with him, and who amused the King as he had never been amused before, the new Earl became Morton's most formidable rival. There are evidences of Morton's uneasiness in the two remarkable entries in the Register at pp. 281–283, under date April 28, 1580; but one must turn to other quarters—*e.g.*, to the *Calendar of English State Papers relating to Scotland*, pp. 401–415—to learn the full import of Lennox's enterprise in Scotland, and the course of the struggle between him and Morton. There was the strongest interest in this struggle on the part of Queen Elizabeth and her statesmen; and, though Lennox wrote to her in flattering terms, professing his most devoted service, and denying the rumours that he intended to subvert the English Alliance and change the religion of Scotland, all the efforts of the English Court were directed to the support of Morton and the discredit of Lennox. It was ascertained that there were communications from the French King to the Scottish King through Lennox, and that there was talk of some great stroke, such as the abduction of the Scottish King into France; and the correspondence from Scotland kept Elizabeth informed of Lennox's movements, and of his plottings with Argyle and others against Morton. The powerful Morton, however, now in company with Lennox, now keeping aloof from him and even absenting himself from Court, still held his ground. It was in one of these absences of Morton, and when the King and the Court were at Dundee, on a circuit of business and pleasure into the north-eastern parts of the country, that Lennox was first admitted to a place at the Council Board (see the sederunt of June 9, 1580, at p. 289). This, followed by his appointment to the keepership of

Dumbarton Castle, increased the alarm in England; and there were vehement remonstrances from the English Queen to King James on his infatuated regard for the French stranger. So high did the feeling rise at the English Court that instructions were sent to the English agents in Scotland to co-operate with Morton, if necessary, even in laying violent hands on Lennox and his associates; and it seems to have been about the same time that an abduction of the King into England was suggested or dreamt of as the fittest possible counteraction of Lennox's supposed design of carrying him to France. Morton, who had joined the King and Council at St Andrews while they were still on their north-eastern circuit (see p. 295), seems to have shrunk from the extreme measures thus recommended to him, and to have seen no alternative for the while but acquiescence and reconciliation with Lennox. Accordingly, after another brief interval of absence, he is again found steadily in attendance in the Council at Holyrood in the month of September, presiding in it as before, while Lennox is seated in it with the rest. But a new dignity had now been invented for Lennox, all but incompatible with Morton's continued supremacy. In pursuance of a resolution at a Council meeting on the 24th of September, at which one notes that Morton was *not* present (p. 316), the King had instituted an office to be called that of *High Chamberlain and First Gentleman of the Chamber;* and at pp. 322–323, under date October 15, will be found the record, in the form of a minute of a Council meeting at Holyrood at which both Morton and Lennox were present, of the nomination of Lennox to this new dignity, with the Master of Mar as his deputy, and with twenty-four gentlemen of the Chamber in ordinary, and six others as gentlemen extraordinary, under them. One of the gentlemen in ordinary was Captain James Stewart of Ochiltree, son of the Reforming Lord Ochiltree, and brother of the widow of John Knox (pp. 323–324, footnote); and it is from this moment that there flashes into Scottish history, by the side of Lennox, this extraordinary and daring man, whose career, first in association with Lennox, and afterwards more daringly by himself, has left such a track of lurid radiance in the records and traditions of his time. He was

already a great favourite with the King, and captain of his guard, and had attached himself to Lennox as his agent and client, though surpassing him ten times in energy and ability. The end had now come for Morton. For two months more, indeed, we see him still presiding at the Council Board in Holyrood House, with Lennox present as but one of the other councillors, and taking no special precedence as yet on account of his new dignity, while the handsome Captain Stewart of Ochiltree is pacing the courtyards and corridors outside during the Council meetings, as no councillor himself, but only captain of the guard. Entries relating to Lennox at this time, whether in his keepership of Dumbarton Castle, or his abbacy of Arbroath, or his Lennox earldom, or his office of High Chamberlain, may be seen at pp. 319, 324, 325, and 326; and the two about Mr John Durie at p. 335, already referred to, really concern Lennox. The Presbyterian clergy had been roused ungovernably at last by the growth of French influence round the King in the person of Lennox, and by the conduct in Edinburgh of the Frenchmen in the train of Lennox; and Durie's offence had been in giving very unpolite expression to this feeling from the pulpit. With all Morton's faults, the Presbyterian clergy were disposed to rally round him now, in dread of a worse successor in Lennox, whose efforts to reassure them (see footnote, p. 328) produced small effect. But it was too late. On the last day of the year 1580 there was that famous scene in Holyrood when Captain James Stewart walked into the Council-room, and, falling on his knees before the young King, denounced "that man now sitting at this table" as having been accessory to the murder of the King's father (see p. 339, footnote). That night Morton was a prisoner in Holyrood Palace, and two days after he was a prisoner in Edinburgh Castle.

The Lennox-Arran Administration.

December 1580—*August* 1582.

For twenty months after the fall of Morton the government of Scotland was virtually in the hands of the King's pleasant

French kinsman, Esmé Stewart, who had been naturalised as Earl of Lennox, and of the daring Captain James Stewart of Ochiltree, who had attached himself so conspicuously to Lennox, and had struck the blow for him by accusing Morton. This latter, however, did not long remain merely Captain James Stewart of Ochiltree. The steps of his rise from being Tutor of Arran, with admission to the Council under that title on the 9th of February 1580–81, to the full Earldom of Arran on the 22nd of April 1581, and the reasons of his selection of the Arran title for his peerage, traditional as that title had been so long in the house of Hamilton, and actually held at the moment by the living but insane head of that house, are stated and explained in p. 356 and footnote there, and in footnote at p. 378. After he had become Earl of Arran, the bold Captain of the Guard could think of himself as no longer the client of the Earl of Lennox, but as very nearly his equal in the State ; and there is evidence, accordingly, of a kind of rivalry for a while of the two Stewart favourites, and a competition of Arran's personal impetuousness with the softer stateliness of Lennox and all his acquired advantages. Especially after Arran's marriage in July 1581 with his paramour and kindred spirit, the divorced wife of that feeble great-uncle of the King who had been obliged to vacate the Earldom of Lennox in favour of the French stranger and accept the Earldom of March instead (p. 399, footnote), the Arran influence with the King and in the kingdom is discernible as something apart from that of Lennox. The elevation of Lennox, indeed, to the Dukedom of Lennox in August 1581 (see the Act of Creation, pp. 412–414) attested the King's resolution that his French kinsman should be the chief man in the realm next to himself, and kept Arran so decidedly in the inferior place that his ambition took at length the form of an angry rebellion or secession, leading to a split of the nobility and officials into the Duke's faction and the Arran faction, a kind of contest of the two factions in the Parliament which met in October and November 1581, and an actual subsequent division of the Council for some weeks, in the end of 1581, into two opposed Councils, meeting separately at Dalkeith and Edinburgh (see pp. 431, 433, and 435–436, footnotes).

The rupture was healed early in February 1581–82, with handsome exoneration to Arran, though with demission of his office of Captain of the Guard (pp. 438–439, and footnote); and from that month or the next (p. 459, footnote) the Duke and Arran are again seen in cordial agreement and co-operation,—the Countess of Arran now the most notable third figure in the group closest round the young King, inasmuch as, the Duke having left his wife in France, there was no one so fit to assist the counsels of the two chiefs by acting the part of leading Court-lady and superintending the pageantry and festivities devised for the King's entertainment and his necessary education in feminine society as he passed from his sixteenth to his seventeenth year. Indeed, with all allowance for the occasional differences between Lennox and Arran, and for their temporary quarrel, the twenty months of Scottish history from December 1580 to August 1582 may fairly enough be called the time of the Lennox-Arran Administration, and the policy of those twenty months the Lennox-Arran policy.

The corporate agency of that policy from December 1580 to November 1581 was Morton's last Privy Council, as it had been modified before his fall (*e.g.*, by the three new admissions recorded at p. 327), or was farther modified afterwards by the admission of Arran himself and others of the Lennox party. This Council was superseded on the 29th of November 1581, when the Parliament then sitting at Edinburgh exercised the usual Parliamentary right of passing an Act reconstituting his Majesty's Council. By this Act (see Acts of Parl. III. 228–229) twenty-two persons were nominated to serve as the Council till next Parliament, Arran named first at the head of twelve non-official members, and the Duke of Lennox, as Lord High Chamberlain, first in the list of the ten great State-officers included in the body, followed by Argyle as Chancellor. The Act gave the usual power to the King and Council itself to fill up vacancies or increase the number. In fact, through the whole of the twenty months, the Council consisted of very much the same body of persons, most of them remaining since Morton's time, but others added by Lennox and Arran in room of Councillors retiring or displaced.

In the course of the twenty months there were about 170 meetings of Council in all, with several Conventions of Estates. There are recorded sederunts, however, for only about a fourth of the meetings. From these it appears that, while Lennox and Arran took care to be present, together or separately, as often as possible, they rather reserved themselves for important meetings, and left ordinary business to be managed by the others, and especially by those whose official posts bound them to pretty constant attendance. Argyle, as *Chancellor*, was very regular in his attendance through the first part of 1581, and always in the chair then in virtue of his office, but was less regular in the latter part of that year and in 1582, after Lennox had attained his Dukedom and precedence on that account. All in all, the most important member after Lennox, Arran, and Argyle, and among the most steady in his attendance, especially after the reconstitution of the Council in November 1581, was *Lord Treasurer* Ruthven, raised to the higher title of Earl of Gowrie in October 1581 (pp. 427–428, and footnote). The Earl of Montrose was pretty steady till November 1581, but attended rarely afterwards ; the Earl of Glencairn, present occasionally till November 1581, also falls off from that date ; the Earl of Eglinton is pretty frequent both before and after that date ; so is Lord Maxwell, under that name or under the higher name of Earl of Morton, worn by him from July 1581 (p. 416, footnote). Lord Ochiltree, Arran's father, was a very regular attendant till November 1581, but was not continued in the Council as then reconstituted. Others who were then left out, after they had given very steady attendance till then, were the Master of Mar, the Commendator of St Colm's Inch, and Lord Seton. The Commendator of Pittenweem, who had attended occasionally till November 1581, and Lord Cathcart, who had attended less often, were also then left out. Lord Ogilvie, rather constant till November 1581, hardly reappeared afterwards, though reappointed ; and Lord Herries and the Earl of Rothes took their places but occasionally, whether before or after. Remarkable for their punctuality at the Council meetings through the whole of the twenty months were Robert Pitcairn, Commendator of Dunfermline, *Secretary of*

State, and Alexander Hay, *Clerk Register;* most punctual of all the Council till November 1581, and constant enough afterwards, was Mark Ker, Commendator of Newbattle; among the next for punctuality from first to last may be reckoned Sir William Murray of Tullibardine, *Comptroller*, Sir Lewis Bellenden, *Justice Clerk*, Robert Creichtoun, *Lord Advocate*, and Alexander, Commendator of Culross. After November 1581 one notes the regularity of Adam Erskine, Commendator of Cambuskenneth, *Collector General*, then brought back into the Council, and of James Stewart, Lord Doune, brought into it as a new man in January or February 1581–82 (p. 438, footnote). The Earl of Crawford was a notable addition to the Council about the same time. On the whole, the impression from the sederunts is that Lennox and Arran felt themselves masters of the Council through the official members. Every now and then, together with one or other of them, or both, the King also made his appearance. The recorded royal presences are decidedly more numerous after November 1581 than before.

While the Register thus assists us in understanding the personal composition of the Lennox-Arran Administration and the changes and modifications of the Council in the course of the twenty months of that Administration, it is full of instruction also as to the proceedings and aims of the Administration from its commencement to its close.

Its first great business was that with the accused and imprisoned Morton. What made this business difficult was not so much that Morton had still his adherents in Scotland as that the Queen of England had at once made Morton's cause her own. Not only did she remonstrate most energetically in Morton's behalf by letters and agents, sending a new ambassador for the purpose; but she had ordered English forces to mass themselves near the Scottish Border, for an actual invasion of Scotland, if necessary, to co-operate with the party of the English Alliance there for the liberation of Morton and the recovery of Scotland from Lennox and the dangers of a French alliance. Through the entries at pp. 348, 350, 355, 360 (with footnote), 365 (with footnote), 377, 378, 387, and 388, one reads the story of the per

severance of Lennox, Arran, and the King in their determination to rid themselves of Morton at all hazards, that of an English invasion included, till, the project of such an invasion having been abandoned, whether from its inherent difficulties or through Elizabeth's vacillation and dread of expense, Morton, who had been removed from Edinburgh to Dumbarton Castle, was brought back thence for his trial in the end of May 1581, tried June 1, and beheaded in the High Street of Edinburgh the day after (p. 388, footnote). Specially interesting is the sly manner in which the general armed levy ordered first on the 7th of February, nominally for service on the Borders against the "thevis and disorderit people" that have of late been renewing their "incursiounes, stowthis, reiffis, and depredatiounes, not only upoun his Hienes awin peciable and gude subjectis, bot also upoun the subjectis of his dearest suster and cousine the Quene of England," announces itself gradually in the documents in its true character as an army for resistance of the threatened English invasion. On the 10th of June, when the whole business was over, and the Earl of Montrose was relieved from his lieutenancy of the said army, there is no attempt at even verbal concealment (p. 393). Arran had already had his act of approbation for all he had done towards bringing Morton to death (p. 389).

Involved in the prosecution of Morton had been action, more or less severe, against a number of his adherents, and especially against the leading persons of his name and kin of the Douglases. See pp. 340, 348, 351, 354, 363, 364, 365, 367, 368, 369, 370, 377, and 389. One or two of these entries contain the hue and cry after Mr Archibald Douglas, a celebrated person of those days, who had been denounced along with Morton on the same charge of having been accessory to the murder of the King's father, but had escaped into England by a hurried flight. The rest refer chiefly to the greater Archibald Douglas, Earl of Angus, Morton's nephew and the head of the Douglas family, and popularly remembered as "the good Earl," whose exertions for his uncle within Scotland troubled Lennox and Arran nearly as much as the threatened English invasion.

The orders to him to ward himself north of the Spey, to surrender his castles, &c., were but intimations that, after his uncle had been dealt with, he might be the next victim. Accordingly, all his exertions for his uncle having failed, he too became a refugee in England. Of the other Douglases and their adherents who were ordered from Court, denounced, and either driven into exile or compelled to live at home under risk and suspicion—Douglas of Parkhead, Douglas of Mains, &c.—a list may be made out from the entries cited, or from still later entries. In fact, as is explained in the footnote at p. 365, this proscription of the Douglases by the Lennox-Arran Government of 1581 resembled in its effects the prior proscription of the Hamiltons by the Morton Government in 1579. Two great Scottish families, inconvenient to the Stewart domination, were now under ban, and their chiefs in exile.

The elevation of Lennox to his Dukedom and of Lord Maxwell to the vacant Earldom of Morton marked the confidence of the new Government in their achieved victory, while for Lennox in particular there was further addition to his already vast wealth by the gift to him of part of the escheated estates of the beheaded Ex-Regent (p. 412). What meanwhile had been the policy of the Lennox-Arran Government in more general matters, and what did it continue to be?

Mixed up with their resistance to the threatened English invasion in Morton's behalf had been a good deal of effort for new regulation of the Border region in their own interest. On this subject the reader may refer, or refer again, to pp. 354, 355, 359, 366, 372, 374, 376, 380, 396, 404, 414, 415, 421, 434; and, for further information as to the discipline of the Borders under the Lennox-Arran Government while it lasted, he may consult pp. 441, 448, 455, 457, 466, 487, 488, and 498. A story of personal interest which runs through these entries is that of the change thought necessary in the Wardenship of the West March. The Laird of Johnston having been removed from the wardenship on account of his complicity with the defeated political party. Lord Maxwell, now to be known as Earl of Morton, was reappointed to that former post of his,—to find Johnston, as might

have been expected, by no means the most submissive of his subjects.

For Revenue and Treasury affairs, the King's debts, borrowings in his name, and other methods of providing for his expenses, see pp. 340, 360, 366, 390, 392, 435, 458, 466, 478–480, 487. On the 26th of February 1581–82 there had been a grant, in a Convention of Estates, of a tax of £40,000 for service on the Borders and resistance to the English invasion (p. 360); and the levy of this tax seems to have imposed rather heavy business on Lord Treasurer Ruthven, who is found, in any case, in very considerable straits in his office, and largely out of pocket by his private advances to meet deficiencies (pp. 390, 392). Borrowings from private persons figure a good deal in the entries in the finance department; and assignations on the future profits of the King's "cunyie-house" or mint seem to have been the favourite device of security for the repayment of such loans. The "Cunyie House" was evidently an institution much worked for revenue purposes. Orders of special interest relating to it and to the coinage will be found at pp. 360, 375, 393, 397, 410, 462, 463, 468, 480, 481, and 498. Of course there was fresh application of that means of economy, or of increase of the royal income, which consisted in the revocation of past grants out of the royal revenue and vigilance against new importunities by private suitors to his Majesty. Entries in illustration will be found at pp. 384 and 477–478. In this matter the Lennox-Arran Government only followed the example of the preceding Government. More characteristic, though they had precedent for this also, may have been the pains they took to enforce the enactments providing that his Majesty's household should be well supplied with wine. At pp. 451 and 452–453 there are orders on this subject which seem to have caused some resentment among the wine-importers and wine-dealers to whom his Majesty was already in debt, as well as among the Town Councils of the chief seaports. The supply of wine for his Majesty's household being "ane mater sa necessar as that it cannot be differrit or myslippinit," his Majesty's officers and tasters are, in terms of the law, and notwithstanding the unpaid wine accounts, to have the first choice

of as much as they want of all the wines coming to the country, and are to break open doors of cellars or use whatever other force may be necessary for the purpose, the merchants to be settled with in a specified manner, suiting his Majesty's convenience.

There is no direct manifestation in the Register of those deeper designs of Lennox and Arran of which we hear so much in contemporary documents, and which were believed to involve some immediate association of the King's interests with those of his captive mother, pointing to an ultimate subversion of the Reformation in Scotland, or, at all events, to a reunion of Scotland with France and the other Roman Catholic Powers in opposition to England. All that appears capable of this construction is the increase of favour for leading members of the old Marian party, whether Roman Catholics or Protestants, who had been disabled during Morton's government. The restoration of Lord Maxwell to his Councillorship and to the Wardenship of the West March, and his promotion to the earldom of Morton, and the gradual tempering of the Council by the introduction of men of such principles and antecedents as the Earl of Crawford and Lords Doune, Ogilvie, and Seton, were undoubtedly significant. At pp. 356–358 there is a most touching story of favour shown, in the beginning of the Lennox-Arran administration, to Robert Crichton, the poor old Roman Catholic ex-Bishop of Dunkeld, in answer to a supplication representing his many hardships for years past, and his extreme misery and destitution. One cannot read the entry now, so pathetically is it worded, without approving of what was done for the poor old prelate; but the act of mercy did not escape censure at the time by those who saw in it more than met the eye. The cases of Ker of Fernihirst (p. 395 and footnote, and p. 453) and Sir James Balfour of Pittendreich (p. 403 and footnote, and pp. 461–462), two most darkly-dyed old Marian offenders, brought back from their exile to be of use in connection with the trial of Morton, and not only pardoned and suffered to remain in Scotland, but allowed access to the Court and the King's presence, excited still more general and bitter comment; and there seem to have been doubts whether Arran's dissent from Lennox in the former case

firmness on both sides, with reasonings and *declinators* for the clergy by Messrs Robert Pont, John Durie, John Davidson, James Lawson, Walter Balcanquhal, and others, of which there is detailed record in the Presbyterian histories. The outcome is represented only in two of the entries in the Council Register—those given in full at pp. 474–477—both bearing date April 12, 1582; but they are of great historical moment. They intimate to the Kirk that the King and Council have resolved that Mr Montgomery *shall* be Archbishop of Glasgow, and that the Kirk shall receive him as such. How the General Assembly which met at St Andrews in the end of the same month, with Mr Andrew Melville as Moderator, defied this decision of the Council, and even the charges expressly sent to them in the King's name requiring their obedience under pain of rebellion and horning; how they punished Mr Montgomery by suspending him from the ministry, and were on the point of excommunicating him, when he yielded, and promised to meddle no farther with the Archbishopric; how, the next month, he repented his promise, and went to Glasgow, well attended, to force himself into his place; what riots there were in Glasgow in consequence, and what anti-Episcopal demonstrations, especially among the University students; how the pulpits over the land, but especially in Edinburgh, rang with protests against the interference of the civil power with ecclesiastical rights, and with comments on the Lennox-Arran administration generally, and on Lennox and Arran themselves; what summonses there were of clerical bodies or of individual offenders among the clergy to new meetings with the Court and Council, and how roughly they were received; how Mr John Durie, for the peculiar pungency of his sermons, was banished out of Edinburgh; how the sentence of excommunication was at last actually pronounced against Mr Montgomery on the 10th of June; how, in the end of that month, there was another extraordinary session of the General Assembly at Edinburgh, Mr Andrew Melville again Moderator; how in that Assembly all that had hitherto been done by the Kirk was upheld, and new measures were resolved on, including the presentation to the King and Council of a paper of fourteen

"griefs" or grievances under which the Church and State laboured; how there was proclamation on the part of the King and Council at the Cross of Edinburgh confirming the institution of Mr Montgomery in the Archbishopric, and declaring his excommunication null; how, the King and Council having meanwhile removed to Perth, the Kirk Commissioners, with Mr Andrew Melville at their head, did wait on them there on the 6th of July to present their "griefs", and how the attitude and the words of Melville and the rest, when Arran dared them and accused them of treason, seemed to daunt both Arran and Lennox, and make them pause:—for a summary of all this, and for an explanation of the reasons why the story is represented in the Register but scantily and at a few points, see footnotes to pp. 486–487 and 489–490. The Register, however, does contain several important documents illustrative of the series of transactions. At p. 490 there is a Council Order respecting the anti-Episcopal riots at Glasgow; at p. 492 there is the Act which it became necessary to send out on the 12th of July for the "Purgation" of the King and Lennox from the imputations of defection from the true Kirk and Religion and inclination to Popery; and at p. 496 there is a decree confirming Montgomery in the emoluments of his Archbishopric.

In July and August 1582 the popular hatred of the Lennox-Arran rule had reached its height. It was not only that the chief Presbyterian clergy were persecuted and threatened, and the movement towards the strict Presbyterian polity thwarted; it was not only that the reappearance of so many old Marians and Roman Catholics round the King in places of trust continued to be a subject of complaint, and that the rumours ran more and more darkly of an unknown amount of correspondence with France, Spain, Mary's agents abroad, and Mary herself in England; it was not only that the corruption of the young King's morals by the society and forms of occupation and amusement provided for him by Lennox, Arran, and Lady Arran, was more and more a matter of remark; it was that the dread and dissatisfaction on all these accounts and on others had been formulised at last in the cry that Scotland was under a despotism, or, as

Andrew Melville expressed it, under "the bloody gully of absolute authority." Alarm had been given not only by numerous illegal arrests of individuals, but also by such organised interferences with the ordinary course of justice as those recorded in the Acts of Council at pp. 500, 501, and 504, granting commissions of judiciary over certain districts to the Earl of Crauford, Lord Doune, and other courtiers of Lennox; and one hears, though not in the Register, of special and extraordinary alarm in the prospect of a Chamberlain Air or Court appointed to be held by the Duke of Lennox himself, under royal warrant, in Edinburgh on the 27th of August, for the purpose of suppressing "sedition and popular commotion." Might not the opportunity be taken for an occupation of Edinburgh by an armed host, the selection of victims from among the leading Presbyterian burgesses and clergy, and what not besides? From all such fears, in Edinburgh or anywhere else over the country, there was a sudden relief in that unexpected and most picturesque revolution of August 23, 1582, which is remembered in Scottish history as *The Raid of Ruthven.* It is described in some detail in the footnotes at pp. 506–508 and p. 509. It consisted substantially in a gentle kidnapping of King James by the Earl of Gowrie, the Earl of Mar, the Master of Glammis, and a number of others who had been conspiring for the overthrow of the Lennox-Arran tyranny, and who had taken this way of accomplishing their purpose when the King was on a hunting visit to the Earl of Gowrie's castle of Ruthven, near Perth, Lennox and Arran, who had been dreaming of nothing of the sort, having stupidly left Perth a few days before for their mansions at Dalkeith and Kinneil. The King was then exactly sixteen years and two months old.

The Ruthven Raid Government.

August 1582—*July* 1583.

For ten months Scotland was under a Government which may be described as that of the Ruthven Raid. A list of those concerned in the Raid, or pledged to the Revolution which it

brought about, will be found at p. 507, footnote ; but it is from the recorded sederunts of the Council through the ten months of the new Government that we learn who placed themselves at the centre of affairs and tried to manage the nation on the new principles. There was no meeting of Parliament during the ten months, so that all depended on the Council, or on such as it might call into it as additions, or round it as assessors by way of a Convention of Estates. There are about eighty recorded meetings of the Council during the ten months, with about one-third of that number of fully-recorded sederunts. In the recorded sederunts immediately after the Raid, first at Perth in the end of August 1582 for the assertion and proclamation of the new Government, and then at Stirling through September and part of October for its consolidation, the Councillors present were these :—The Earl of Gowrie, *Lord Treasurer*, the head of the Raid, and virtually the new Premier ; the Earl of Glencairn ; Robert Pitcairn, Commendator of Dunfermline, *Secretary ;* Adam Erskine, Commendator of Cambuskenneth, *Collector-General ;* Alexander Hay of Easter Kennet, *Clerk Register ;* Sir Lewis Bellenden, *Justice Clerk ;* Mr James Haliburton, Provost of Dundee, and Commendator of Pittenweem ; Sir William Murray of Tullibardine, *Comptroller ;* and Alexander Colville, Commendator of Culross. These, who may be regarded as the original sponsors of the Raid, remained very regular in their attendance throughout, the Earl of Glencairn and the Comptroller less regular than the others. The Earls of Mar and Errol, with Lords Boyd, Lindsay, and Cathcart, the Master of Glammis, and the Commendator of Paisley, are found present at the first sitting of the Council in Edinburgh on October 12 (p. 516), apparently by arrangement for that occasion only, inasmuch as some of them do not reappear afterwards. On the 22d of October, however,—a Convention of Estates having been held at Holyrood on the 19th, at which the Raid of Ruthven was ratified in the most express manner,—Lords Lindsay and Cathcart were formally elected to the Council, together with Adam Bothwell, Bishop of Orkney, the Earl Marischal, the Commendator of Deer, and the King's great-uncle, the old Earl of March, Arran's domestic

enemy (p. 522). The Earl of March seems never to have availed himself of his election; but the Bishop of Orkney and Lord Cathcart attended very steadily thenceforward, while Lord Lindsay, Earl Marischal, and the Commendator of Deer were present now and then. Two very steady attendants after October 1582 were Walter Stewart, Prior of Blantyre, who had become *Privy Seal* by the death of George Buchanan in the preceding month, and Mr David Makgill, the *King's Advocate*, neither of whom had been of the original Raiders or in sympathy with them. The Commendator of Newbattle and Lord Herries, both adherents of Lennox, are found also attending occasionally after the same date; and, on the death of the latter in January 1582–83, his son, William, Lord Herries, was elected in his room (pp. 548–549, and footnote). By that time the new Government must have been pretty well established and accepted; for between January and April 1583 such old Councillors as Eglinton, Montrose, Argyle, and Rothes, and even so conspicuous a Lennox-man as Lord Doune, are found again in their places once, twice, or oftener—Argyle, when present, resuming the chair as *Chancellor*. On the whole, the Council of the Ruthven Raid Government strikes one as too weak-handed at the outset, and as becoming less and less homogeneous, less and less consonant to its origin and avowed purposes, as it went on. True, the great Earl of Angus had returned from his exile in England in October or November 1582, on the guarantee of a "relaxation" or pardon from the King, issued at Stirling, September 28 (not recorded in the Register, but mentioned in the Calendar of English State Papers relating to Scotland, p. 427). Once back in Scotland, he could lend his powerful influence to the new Government; but, as the decree of forfaulture for treason pronounced against him by the Lennox-Arran Parliament in November 1581 had not been repealed, he had to exert his influence outside of the Council, and has left no traces of it in the Registers of the Council. One misses also others, then in Scotland, that Gowrie and his Raiders might have been expected to associate with them officially. It is significant, too, that there is no recorded appearance of the King himself at any of the Council-meetings through the whole of the ten months.

The heart of the poor boy was with his deposed favourites, Lennox and Arran; and he contrasted sulkily and angrily the free and merry days he had spent in their society and under their guardianship with what he experienced and had to expect under his new custodians. His Declaration at Perth, of August 28, approving of the Raid of Ruthven, accepting it as good service to himself and the nation, and professing that he had been "nawyse forcit, compellit, nor constrenit," but remained with the Raiders "of his awin fre motive and electioun" (p. 508), had been wrung from him with no small difficulty; and his presence in the Convention of Estates at Holyrood on the 19th of October, and acquiescence in the Ratification of the Raid of Ruthven then solemnly passed by the Lords, Lairds, Ecclesiastics, and Burgesses present (pp. 518–519), were equally under secret protest and from a sense of compulsion.

How to dispose of Lennox and Arran had been the first consideration for Gowrie and his colleagues. As regarded the Duke, it was thought enough if Scotland might be rid of him by his immediate return to France. On the news of the Raid he had hastened from Dalkeith to Edinburgh on the chance of being able to rally some forces for his cause; and, after remaining there till September 5, only to find matters hopeless, he had moved westward, with a retinue, towards Glasgow and Dumbarton Castle. The first order for his departure out of the realm, dated at Stirling, September 6, may be read at pp. 509–510, and the story of his subsequent hesitations and procrastinations, with his movements and efforts in various parts of Scotland, and his published defences of himself in answer to the tremendous indictment against his and Arran's government published on the part of the Raiders, may be gathered from footnote at p. 509, and from pp. 511, 519, 526, 533 and footnote, 534, 536, 537, and footnote at p. 538. While very indulgent to him, and extending his leave several times, they were in some dread so long as he remained in the country; and it was a great relief when, about the 22d of December, he did at last cross the Border for his journey through England on his way to France. Meanwhile Arran, who had galloped to the scene of the Raid as soon as he

had heard of it, and been at once arrested, had fared less hardly than might have been expected. That he should be found actually seated once in the Council of the Raiders at Stirling, on the 27th of September, in custody though he was, confirms the tradition that he sought to make peace with them by turning against his late partner (p. 513, and footnote). They would not have his co-operation; and the entry at p. 519 shows the arrangement made for him. He was to remain in the custody of the Earl of Gowrie till Lennox should have left Scotland, and was then to reside within prescribed bounds.

There was, of course, a studied effort on the part of the new Government to reverse the policy of the Lennox-Arran rule. See, for example, the Act at p. 510 revoking arbitrary Commissions of Justiciary, that at p. 514 respecting Balfour of Pittendreich, that at p. 519 respecting Arran's brother, that at p. 528 respecting the son of Lord Seton, the Act in favour of Mr John Colville at p. 529, the general Act at p. 544 revoking all exemptions from attendance at assizes and armed gatherings, the ordinance at p. 563 for prosecution of the Earl of Crawford and his followers for recent slaughters and other outrages, and the subsequent order respecting the same Earl at p. 572. Acts and orders relating to the Borders, and some of them to the Earl of Morton as warden of the West March for the Lennox Government, appear at pp. 524, 527, 528, 530, 531, 534, 535, 539, 540, 547, 557, 560, 562, 567, 570, and 574; and it is no surprise, in the course of these minutes, to find the Earl of Morton (better remembered by his former title of Lord Maxwell) deprived of his wardenship, denounced for various misdemeanours, and succeeded in the West Wardenship by his rival, the Laird of Johnston. In one of the orders relating to the Borders, that at p. 528 appointing the Tolbooth of Edinburgh as a place for the future trial of Border criminals, the arrangement is for Highland criminals as well; and at pp. 540, 541, 548, 555 are orders having special reference to Justiciary in the Highlands, in view of past proceedings in that region and new requirements. At p. 526 there is an Act against treasonable correspondence, pointing apparently to communications with Queen Mary in England,

the Marian exiles abroad, and the French Court. Hardly from the Register, however, should we learn the full effects of the Ruthven Raid Revolution on the relations of Scotland with England and France. It is significant of the extraordinary re-opening of intercourse with the English Court by the Revolution, and of the increased exertion of English influence in Scottish affairs through the time of the Ruthven Raid Government, that the catalogue of papers relating to Scotland in the English Calendar of such papers occupies twenty-three pages for these ten months, whereas for the preceding twenty months of the Lennox-Arran rule the catalogue fills but nine pages. It is in these papers, and in general histories of the time, that we hear of Elizabeth's renewed letters to James; of the return of Mr Bowes as English ambassador to Scotland, with Sir George Carey as his colleague, immediately after the Raid, followed soon by Mr Davison as a special ambassador; of the excitement caused in Scotland by the arrival also of a French ambassador, M. de la Mothe Fénélon, followed by another, M. de Maineville, and by their practice of Roman Catholic worship in Edinburgh; and of the plans or plottings, or accusations of such, on both sides,—the French for the return of Lennox and the association even yet of James with his mother, the English for obtaining from the Gowrie lords the surrender of James into English keeping. Substantially, the Raid of Ruthven had restored Scotland to the English Alliance. It had been resolved, accordingly, that a Scottish embassy should be sent to London for more intimate consultations with Elizabeth and her statesmen. The ambassador first chosen was Mr John Colville, a busy man of those days, who had been brought back into public employment by the Act of Council of November 17, already mentioned (p. 529, and see also p. 530, footnote). He went to England in the end of December on the part of Gowrie and his colleagues, and was back early in February 1582–83. In April 1583, however, the relations between Scotland and England having meanwhile become more intricate, in consequence of negotiations of Elizabeth herself with the captive Mary, a second embassy became necessary. In the end of that month Mr Colville returned to England, accompanied

by another ambassador in the person of Colonel William Stewart, a soldier of fortune, who had served abroad and had recently been made Captain of the King's Guard (see p. 549). Their instructions were to take Queen's Elizabeth's advice as to Scottish affairs generally, a proper marriage for the King, and the terms of some agreement with or in behalf of his mother, and at the same time to endeavour to obtain from Elizabeth an advance to James of £10,000 and a regular future pension of £5000 a year, with recognition of his claims to the estates of the Lennox family in England, and some satisfactory assurance also in the great matter of his succession to the English throne. In this embassy Colville seems to have remained faithful to his official instructions, while Colonel Stewart, who knew the King's private mind on various points, and especially his anxiety to escape from the hands of the Ruthven Raid lords, came on the deeper and more secret errand of finding out for James whether a continuance of the English Alliance could be reconciled with that object. Again the extreme parsimony of Elizabeth, the impossibility of persuading her to support even her most favourite designs by any considerable pecuniary outlay, interfered with one of her opportunities.

As the Revolution of the Ruthven Raid had professed itself from the first to be not only a deliverance of the "commounwealth" but also a deliverance of the Kirk (see p. 507, footnote), so the understanding between the Kirk and the Ruthven Raid Government was most cordial and harmonious. At p. 513, under date September 21, 1582, will be found, in the professed form of a mere caution against misinterpretation of the royal order on Kirk matters issued on the preceding 12th of July, an Act recognising the full liberty of the clergy thenceforth, both individually in their pulpits and also in their statutory Assemblies. That being a sufficient *carte blanche* to the Presbyterians meanwhile, and the difficult question of the perfect settlement of the Presbyterian polity lying over for a future Parliament, the Records of the Council contain hardly anything thenceforth directly relating to the Kirk, and we have to turn elsewhere to learn how strenuously the Presbyterian clergy backed the

Ruthven Raid Government, and how boldly they exulted in their new liberty and used their new powers. The triumphant re-entry into Edinburgh of the banished Mr John Durie (p. 513, footnote) was but the beginning of a series of such Presbyterian demonstrations. On the 19th of September 1582, not a month after the Raid of Ruthven, Mr Craig, preaching before the King, rebuked him "so sharpelie" for his now cancelled proclamation of the 12th of July that the boy "weeped and said he might have told him privatlie." In October, the General Assembly, meeting in Edinburgh, not only complied with a request of the new Government by passing a formal approbation of the Raid of Ruthven, and instructing "the whole pastors and ministers within the realm" to expound the righteousness of that Act publicly to their congregations, but proceeded in their own independent business of ecclesiastical censure, deliberation, and comment on public affairs, in a manner which testified their consciousness of regained strength. In the following month Mr Robert Montgomery was a humble suppliant in the inferior Church Courts for the removal of his excommunication. In December there were formal conferences on Kirk and State affairs between the Government and some of the leading Presbyterian ministers. The arrival of the French ambassadors and the exercise of Roman Catholic worship by them and their retinue served for many weeks as a theme for indignant sermons by the clergy of the Edinburgh Presbytery; and in January 1582–83 there was an interview between the King and a deputation of them on that subject, when his young Majesty did his best to pacify them. It was on this occasion that one of the deputation, Mr John Davidson, lingering after the rest, admonished his Majesty privately on his habit of profane swearing, and was answered with thanks and "a little laughter." The long stay of the French ambassador, M. de Maineville, led to a more deliberate warning to his Majesty in April 1583 against the French Alliance, Jesuits, and "the Papistical faction," by Commissioners from the Synod of Lothian; and the same subject occupied the attention of the General Assembly in its new session at Edinburgh in the end of the same month and the beginning of May. In this Assembly there was renewed procedure against

all the titular Bishops of Scotland, the Bishop of Orkney included, member of the Government though he was, and there was more evident hope than ever that the time was at hand when all vestiges of Episcopacy would be swept away and the Presbyterian polity of the *Second Book of Discipline* fully established. Whether even the Ruthven Raid Government itself was prepared or could have dared to concede all the demands of the Kirk, including not only a jurisdiction independent of the State, but also a recovery of the Church revenues distributed among lay Commendators, &c., may very well be doubted; but certainly there had been no Scottish Government since the Reformation more deferential to the Kirk hitherto.

For various orders and regulations of the Ruthven Raid Government relating to economy and revenue see pp. 522, 530, 533, 538, 546, and 558. To the same department belong the entries at pp. 562 and 564, recording the vote of a taxation of £20,000 granted by the small Convention of Estates assembled on the 19th of April 1583, and the subsequent order of the Council itself respecting Treasury business. The larger question of supplies adequate to the payment of the King's debt and to the public wants was left, with other questions, to the Parliament which it had been agreed to hold in October, and which was expected to confirm the Ruthven Raid Government and prolong its power. That Government had never seemed stronger than in May 1583. Discords among its members had been made up; signs of vacillation and diffidence in Gowrie himself had disappeared; and the League with England, pushed by Colonel Stewart and Mr Colville in London, seemed in a fair way. But appearances were deceptive. The young King wanted to "tak a progresse",—*i.e.*, to leave Edinburgh for a few weeks of country roving; and, though with some reluctance, the Council consented, a sufficient number of themselves remaining in Edinburgh for routine business, while Mar, Angus, and some others accompanied his Majesty (see p. 572, footnote). On the 20th of May he was at Linlithgow, and thence he went to Falkland. It was here, early in June, that Colonel Stewart, then just back from his mission to England, joined his Majesty, and resumed his

office of Captain of the Royal Guard; and it was here, about the same time, that his Majesty, who had never ceased to correspond with the Duke of Lennox in France, and had recently received letters from him, was stunned by the news of his death. The 19th of June passed, the King's birthday, when he entered on his eighteenth year. On the 27th there was the carefully-planned counter-revolution which brought the Ruthven Raid Government to an end. It consisted simply in the King's going quietly from Falkland to St Andrews with Colonel Stewart and his guard, shutting himself up in the Castle there, and intimating that he would have councillors about him of his own choice, and that no others must approach him. For particulars see footnote at pp. 574–575.

The Arran Supremacy.

July 1583—*July* 1585.

The first declaration of the Counter-Revolution was that of a Council meeting at St Andrews on the 2nd of July 1583. See at pp. 574–575 the sederunt on the occasion, and also in the Declaration itself the names of those that had been specially chosen by the King to be of his new Council. Before August 23, the King and Council meanwhile moving from St Andrews to Falkland, thence to Perth, and thence back to St Andrews, there had been thirteen meetings of the Council. Only five of the sederunts are fully recorded; but from these it appears that the following persons were then about the King, and accepted by him as of the new Council:—The Earl of Argyle, *Chancellor;* the Earl of March; the Earl of Gowrie, *Treasurer;* the Earls of Glencairn, Montrose, Rothes, and Crauford; Lord Doune; the Commendator of Dunfermline, *Secretary;* the *Clerk-Register;* the *Comptroller;* the *Justice-Clerk;* the *Advocate;* the Prior of Blantyre, *Privy Seal;* the Bishop of Orkney; the Provost of Dundee; and the Commendators of Newbattle and Culross. The continuance of so much of the Ruthven Raid element in the Council so far, and especially of Gowrie in it, seems anomalous. For an explanation in Gowrie's case see footnotes at pp. 575 and 590. But, in fact,

the first proceedings of the new Government were studiously moderate. The thankful exoneration to Colonel Stewart, included in the general Declaration of July 2nd announcing the Counter-Revolution, was natural enough; nor was there anything unnatural in the order at p. 576 against armed conflux to his Majesty, nor in the proclamation for public quietness at p. 577, nor in the order at p. 587 for a levy of the Fifeshire fencibles for the protection of his Majesty, nor in the tribute of respect to the memory of the late Duke of Lennox in the affectionate Declaration at p. 583, testifying the King's profound belief in the loyalty of the Duke and his sincerity in the Protestant Religion to the last. Already, as may be seen in the entries at pp. 579–581 and 588, the King was arranging for the expected arrival from France of the late Duke's young son, Ludovic Stewart, and for the succession of that boy in his father's Dukedom and a portion at least of the Lennox estates. Even in the Proclamation of date July 30, at p. 585, specially respecting the Raid of Ruthven, the expressions are mild. The Raid is spoken of as "that quhilk fell out the last year sa far to his Hienes offence, and to the misliking of his mynd;" but, though he acknowledges that he had always been seeking opportunity to undo that action, and "tak unto himself his awin place and stait," he signifies his willingness to forget the transgression and grant full forgiveness to all concerned who may "tymouslie" profess penitence.

Not till the 23rd of August could the full import of the Counter-Revolution be conjectured. It was on that day that the dreaded and resolute Arran, who had left his retirement at Kinneil three weeks before to place himself again at the King's side, appeared in his place in the new Council at St Andrews (p. 590 and footnote). There could be little doubt from that day who was to be master. At the very touch of Arran's presence the composition of the Council was changed. On the 29th of August there was the admission of the four important new members mentioned in p. 594, and from about the same date Gowrie, the Commendator of Dunfermline, and the Provost of Dundee ceased their attendance. Former partisans of the Ruthven Raid who still remained in the Council and gave occasional attendance for a while were

the Earl of Glencairn and the Bishop of Orkney; of independent chiefs, Argyle, Rothes, and the Commendator of Culross, continued to attend as often as they found it convenient; but, on the whole, from August 1583 onwards, the Council was a body reconstituted to suit. The effective members, and the most constant in their attendance, were these:—Arran himself, very constant; George, Earl of Huntly, taking precedence when present, unless Argyle were present also in his place as *Chancellor;* the Earl of Montrose; the Earl of Crawford; Lord Doune; the Commendator of Pittenweem, *alias* Colonel William Stewart, promoted to this dignity and its emoluments for his great service as chief agent of the Counter-Revolution; the Commendator of Newbattle; Sir Robert Melville of Murdocairny, *Treasurer Depute*, and Mr John Maitland of Thirlstane, *Secretary* in succession to the Commendator of Dunfermline, both very active men, and peculiarly indefatigable in their attendance; the *Clerk-Register* and the *Comptroller*, nearly as indefatigable; the *Privy Seal*, little less so; and the *Justice-Clerk* and the *Advocate*, present when required. Arran's kinsman, William Cunningham of Caprintoun (footnotes, pp. 521, 594), though one of the four new Councillors appointed on the 29th of August, is not found in his place till some time afterwards; and accessions late in 1583, or early in 1584, were the Earl of Morton (formerly Lord Maxwell), Lord Seton, Lord Herries, James Meldrum of Seggie (p. 620 and footnote), Sir John Gordon of Lochinvar, John Kennedy of Blairquhan, and Mark Ker, *Master of Requests* (p. 640 and footnote). The King's great-uncle, the Earl of March, attended very seldom; but the King himself, as now beginning to assert his own will, had resumed his habit of occasional attendance. Evidently the Council was one such as he had never had about him before, a Council with Marian and Roman Catholic material in it, and with new men and new faces. It was Arran that took possession of this Council for the King, assuming the Premiership as his natural right. For a while, indeed, one hears of efforts of Argyle and Rothes to assert their independence, and also of strife and jealousy between Arran and Crawford, and especially between Arran and the now conspicuous Colonel William Stewart.

Nothing, however, could long resist Arran, with his abilities, imperiousness, "princely bearing," and skill in making things agreeable to the King and saving him trouble. The fact is, at all events, that the Counter-Revolution of St Andrews, which had been effected by the King himself and Colonel William Stewart in the end of June 1863, had been converted before the end of August into a restoration of Arran to his former prominence in Scottish politics, with the difference that he had no longer such a colleague and rival as Lennox to divide his power, but exercised a single supremacy. His famous countess, Lady Arran, again flashed out with him from their year of eclipse, to win new observation and new hatred on her own account, be accused of renewed practice of her witchcraft, seductiveness, rapacity, and one knows not what other crimes, and obtain continued celebrity, not only in Presbyterian records, but also in the correspondence of the English agents and ambassadors, as the most awful Scottishwoman of her generation.

From August 1583 to April 1584 the main procedure of the new Government consisted in persevering and systematic revenge for the Raid of Ruthven. The insult of the Raid itself and the dull durance of the ten succeeding months rankled in the King's memory; and the promised indemnity to the Ruthveners in the Proclamation of July 30 could not be maintained. At pp. 599, 602, 608, 611, 614, 644, 648, the reader will find the subsequent general orders and declarations respecting the Raid, and will note in them the gradual increase of asperity and severity, till what had been described as an unfortunate and reprehensible occurrence stands denounced as a crime of high treason, the approbation of which by a former Convention of Estates had been deleted from the Council books as illegal and invalid. But it is less by these retrospective general Acts relating to the Raid that the severity of the reaction and revenge can be appreciated than by the numerous acts and orders relating to individual Ruthveners and their adherents,—*e.g.*, at pp. 592, 595, 596, 601, 615, 619, 620, 623, 624, 626, 644, and 649. Gowrie, Angus, Mar, Lord Lindsay, Lord Boyd, the Master of Glammis, the Commendator of Dunfermline, the Commendator of Cambuskenneth, the Commen-

dator of Paisley, Cunningham of Drumwhassel, Douglas of Lochleven, Mr John Colville, and many others of less importance, are heard of in these entries or elsewhere as under prosecution and penalties of one kind or another for their previous conduct,—some of them driven into exile, others imprisoned at home, or ordered to reside within certain bounds, or fugitive from pursuit, or under caution for their good behaviour. Nor did the Kirk and the kirkmen escape. There was no hurry, indeed, in breaking with the Kirk collectively. A General Assembly was allowed to meet in Edinburgh as usual in October 1583, and not only to proceed with ordinary Kirk business, including the pending action against the bishops, but also to address a vehement remonstrance to the King on the dreadful confusion in Church and State brought about by his conduct generally, and by his recent act at St Andrews. His Majesty and his advisers were content with hinting in reply that the clergy were intermeddling with what did not belong to them; in one particular matter there was an Act of Council rectifying an abuse of which complaint had been made in a previous General Assembly (pp. 606–607 and footnote); and the King even deferred so far to the anxieties of the clergy in the political crisis as to license some of their number to "intercommune" with the fugitive Ruthven Raid culprits, in or out of Scotland, and negotiate for their pardon (p. 611 and footnote). It was not forgotten, however, that the clergy had all been, in effect, Ruthven Raiders themselves, and that an example or two from the clerical body was desirable on that account. At p. 617 the reader will find a record of the appearance of Mr John Durie and Mr James Lawson before the Council on the 13th of December, and of the judgment on Durie for having defended the Raid of Ruthven in a sermon. The punishment, which is not there recorded, was banishment from Edinburgh to the town of Montrose. At p. 631 is a record of the still more memorable procedure against Andrew Melville, which led to his flight into England on the 17th of February 1583–84, and left all Scotland, and especially the University of St Andrews, sorrowing for the loss of their greatest man. Melville is again adverted to in the long Declaration at pp. 644–647, condemning the fugitive

Ruthveners and sending a hue and cry after them. The Act at p. 648 discharging and forbidding all Bands in defence of the Raid of Ruthven and its abettors contains a hint of the determination of his Majesty and the Council to put down, if necessary, the customary assemblies of the Kirk, general or provincial.

With such persistent action against the Ruthveners and their adherents there was mingled, of course, promotion and favour for persons on the opposite side of politics. The arrival from France, in November 1583, of the young Ludovic Stewart, son and heir of the late Duke of Lennox, was a most delightful incident for the King (p. 609, footnote); and at p. 614 will be found the first recognition of the French boy on Scottish ground as heir to his father's dukedom. At p. 625 is an Act in favour of the family of the now deceased Balfour of Pittendreich, and at pp. 632–633 there is a peculiarly interesting Act in favour of the Maitland family, as represented in its aged and distinguished head, Sir Richard Maitland. Not only, however, were old Marians now in favour individually; there had been a distinct relapse into the policy of the French Alliance and association with the captive Queen-Mother. The English correspondence from and about Scotland during the first seven or eight months after the Counter-Revolution of St Andrews (*Calendar of State Papers, Scotland*, pp. 449–468) treats the rupture with England as the most obvious fact in the new state of things at the Scottish Court. "No hope of the recovery of the King of Scots, who evidently will become a dangerous enemy;" "The Queen, his mother, is the great mover of disaffection, and has persuaded him to attempt a change of religion;" "The advice of the Queen of Scots governeth all things";—such are the reports of the English agents and ambassadors to Elizabeth and her ministers. They report also the King's intention to visit France. Of nothing so definite as this do we hear in the Register; but the appointment of Lord Seton as ambassador to France, registered at p. 604 and adverted to at p. 612, is one of several significant indications that Arran had repudiated the English Alliance, and was bent on a return to the old French league.

April 1584 was an eventful month. The detestation of Arran's

rule had become deep and general, and was represented by a powerful coalition of elements, including not only the exiled Ruthven lords and their oppressed or fugitive partisans at home, with the whole body of the Presbyterian clergy, but also the adherents of the two Hamilton brothers, Lord John and Lord Claud, who had been in exile since Morton's time, and were now urged to union with the Ruthveners both by community of interests and by encouragement from the English Court. It had been concluded, accordingly, that one bold attempt at insurrection would rally all these elements irresistibly and shake Arran from his place. Hence the seizure of Stirling Castle on the 17th of April by Mar, Glammis, and a number of their followers, who had come to the spot first, to hold the castle and town till Angus and the rest should join them and the rising should become universal. For the story of that enterprise and its complete collapse before the end of the month, when the King and the host raised round him by the energetic Arran were in triumphant possession of Stirling, with no other trouble than that of hanging some of the few insurgents who had been left in garrison, and issuing proclamations against the insurgent chiefs, then again in hopeless flight towards England, see footnote at p. 652, and the series of entries at pp. 653, 654, 656, 657, 658, 659, 660 (with footnote), and 661. Bound up with the rebellion and its failure was the fate of Gowrie, the unfortunate archchief of the Ruthven Raid. Since the Counter-Revolution of St Andrews he had been living on in the dubious position of one who had received remission for his great offence, and who, though absenting himself from the Council, or removed from it, could consider himself in friendly relations enough with Arran and the King. He had made up his mind at last, however, that life in Scotland was no longer possible for him, and was on his way abroad, under licence or order from the King, when his cognisance and expectation of the forthcoming Stirling insurrection detained him. Captured at Dundee on the 15th of April, he was tried for his past treasons and his connection with the enterprise which had just failed; and, on the 2nd of May 1584, he was brought to the block beneath the wall of Stirling Castle.

For some particulars, see pp. 651 and 658–659, and footnotes at pp. 652 and 662. Nothing gave more undisguised satisfaction to the King than his revenge at last on Gowrie. It seemed as if Gowrie's fate would also be that of Lord Lindsay, another eminent partisan of the insurrection, who had been seized in time and warded in the Castle of Tantallon. The other chief insurgents, such as Angus, Mar, the Master of Glammis, and the Commendators of Dryburgh, Cambuskenneth, and Paisley, were safe in the north of England, and could be reached only by proclamation, and punished only in their estates or by severities against their adherents left in Scotland. For illustrations of Arran's vigour in dealing with these fugitives and their adherents immediately after the abortive issue of the attempt at Stirling, see pp. 662, 663, and 664. The entries relating to Lords John and Claud Hamilton at pp. 650, 658, and 665 are also worthy of note, as indicating Arran's sense of the importance of these exiled lords and their following in the coalition against him. In fact, though the phrase *The Party of the Banished Lords*, in use from this time forward as the name for the crushed opposition to Arran, designates properly and specifically those abettors of the Ruthven Raid and the Stirling Rebellion of whom Angus, Mar, and Glammis were the political heads, and who had the sympathies of the great body of the Presbyterian Kirkmen, it includes also sometimes the exiled Hamiltons, whose proscription had been so much earlier, and on a totally different account They too were "banished lords," deadly enemies of Arran, and with no hope of restoration to Scotland till he should be overthrown.

That seemed less likely than ever. From May 1584 Arran was all but the monarch of Scotland, with the King as his confiding admirer, his enemies scattered and baffled, and all impediments removed out of the way of the full declaration and assertion of his policy. What that policy was thenceforth to be, what was to be Arran's system for the government of Scotland, appeared in the most unmistakable manner in those two sessions of one and the same "rynnand" Parliament of King James, in May and August 1584, of whose proceedings a summary

account is given in the footnotes at p. 665, p. 666, and pp. 684–685. A knowledge of the main Acts of that Parliament is absolutely necessary for explanation of Arran's conduct through the rest of his supremacy, and of the registered orders of the Privy Council under his sway through the rest of the present volume. There were Acts confirming Arran's personal ascendancy, his past proceedings, and all the honours and gifts that had been heaped upon him,—one Act in particular confirming him in the great office of Chancellor of the Kingdom, to which he had been nominated in conjunction with the Earl of Argyle, then in retirement from ill health and other causes, and confirming at the same time the Earl of Montrose in the Treasurership in succession to Gowrie, Sir Robert Melville in the Deputy-Treasurership, and Sir John Maitland in the Secretaryship. There were various Acts of renewed condemnation of the Ruthven Raid and the Stirling Rebellion, with Acts of forfaulture or of vengeance in other forms on the chief raiders and rebels and their families,—Angus, Mar, the Master of Glammis, the Gowrie family, &c., &c. (see list of forfaulted persons in footnote at p. 685). But the Acts relating to the Kirk were the most daring and significant. Among them were these :—"Ane Act confirming the Kingis Majesties royal power over all statis and subjectis within this Realme"; "Ane Act dischargeing all jurisdictionis and jugementis not approvit be Parliament and all assembleis and conventionis without our Soverane Lordis speciall licence and commandement"; "Ane Act establissing the form of jugement anent the depositioun and deprivatioun of ministeris and utheris benefeceit personis fra thair benefices for worthie causis"; "Commissioun to the Archiebischop of Sanctandrois, utheris Bishoppis, and utheris, appointit Commissionaris be the Kingis Majestie in ecclesiasticall caussis"; "Act annulling the pretendit excommunicatioun led againis Mr Robert Montgomerie"; and "Ane Act for ane uniform ordour to be observit be the beneficit men, Ministeris, Reiddaris, and Maisteris of Collegis and Scuilis, in obedience of the Kingis Majesteis lawis and thair ordinaris". As the titles of these Acts will suggest, and as the provisions and wording of the Acts themselves show more emphatically

(see abstract of the last-named Act in footnote at pp. 684–685), they proclaimed war to the knife against the Presbyterian system and the Presbyterian clergy. The King was to be supreme over the Kirk as well as over the State; the liberty of comment on public affairs and invective against public men from the pulpit was to be put down; there was to be an end to those independent assemblies of the clergy, general and synodical, which were the very soul of the Presbyterian system; Archbishops and Bishops were to be maintained in the Kirk, and were to be the King's chief Commissioners for regulating it and exercising discipline over the inferior clergy in their dioceses. Never since the Reformation had such a blow been struck at the fundamentals of Presbytery in Scotland as was inflicted by those Acts of May and August 1584 under the Premiership or Dictatorship of the tremendous brother-in-law of John Knox.

In every recorded sederunt of the Privy Council after May 1584, Arran, as Chancellor, is named first, if he was present, or first after his Majesty, if his Majesty chanced also to be present, with the single exception of the sederunt of July 6, 1585 (p. 753), when precedence was yielded to Huntly. On occasions when Arran and Huntly were both absent, Montrose, as Treasurer, had precedence. Although the title *Cancellarius* is not formally appended to Arran's name in the sederunts till January 1584–5 (p. 718 and footnote), he was full and sole Chancellor from September 1584, in which month Argyle died in his retirement. Among his other honours were the Governorships of Edinburgh and Stirling Castles, the Provostship of Edinburgh, and the Lieutenancy-General for the King when forces were in the field; and among the many gifts to him had been part of the escheated Gowrie estates. His colleagues of the Council had also benefited largely by grants out of the forfeited estates of the Stirling rebels,—especially Montrose, Secretary Maitland, and Treasurer-Depute Melville, whom one recognises as still, with Lord Doune, the Comptroller, and the Clerk-Register, the busiest members of the Council under Arran's presidency. Some additions to the Council in this stage of Arran's rule are worthy of note. From August 1584 (p. 683 and footnote) Patrick Adamson,

Archbishop of St Andrews, is found attending occasionally. He had recently returned from a mission to England, and was now, of course, Arran's prime agent in carrying into effect the Acts for suppressing Presbytery and setting up a real Episcopal government in the Kirk. A later accession to the Council (p. 692 and footnote) was Patrick, Lord Gray; and a still later (p. 719) was Patrick, Master of Gray, a young man of most beautiful appearance, most winning manners, and most subtle ability, who had lived much in France, had turned Roman Catholic there, had been in confidential communication with the captive Queen Mary and knew many of her secrets, had returned to Scotland in the train of the young Duke of Lennox, had been threatened with excommunication by the clergy for his "Papistry," had gradually conformed so far to circumstances as to be regarded as but a lax kind of Papist after all, and was now, at all events, a prodigious favourite both with the King and Arran, and one of Arran's most devoted followers and agents. One or two other additions to the Council in 1585 are observable in the sederunts, and actually Arran's father, the old Reforming Lord Ochiltree, Knox's friend and father-in-law, is found attending once or twice. Early in July 1585 (p. 753) Sir James Campbell of Arkinglass retired from the *Comptrollership*, and was succeeded (p. 755 and footnote) by Andrew Wood of Largo.

The proceedings of Arran and the Council in matters of Kirk and Religion from May 1584 to July 1585 may be studied in the Register in p. 662, p. 668 and footnote, pp. 685–686, pp. 690–692 and footnote, pp. 695–696, p. 697, pp. 701–704 and footnote, p. 710, pp. 712–713 and footnote, and p. 723. It will there be seen how unflinchingly the Acts of Parliament of May and August 1584 for the suppression of Presbytery and the establishment of Episcopacy were carried out in practice, and with what extraordinary effects. Not only were there no more General Assemblies or other free meetings of the Kirkmen; not only did Adamson, Archbishop of St Andrews, and the other Bishops, walk about as the State-appointed heads of the clergy and administrators of the new ecclesiastical enactments; but, by the stringent application of that particular Act which required a

universal subscription by all beneficed men, under penalty of the immediate loss of their benefices, to a formula accepting the new Episcopal order and acknowledging the King's ecclesiastical prerogative (p. 685, footnote),—an Act extended and made more efficacious by the subsequent Act of Council itself, of December 11, 1584, virtually outlawing the disobedient (p. 712),—the spirit of the Presbyterian clergy seemed to have been subdued and broken to an extent beyond the dream of any previous Government. Not a few had yielded; others had been tamed into a kind of compromise; and the more resolute had been either thrown into ward or compelled to escape into England to swell the little colony of Scottish clerical exiles keeping company there with the banished lords. Among the last were Mr James Lawson and Mr Walter Balcanquhal, ministers of Edinburgh. Their wives remained in Edinburgh to vindicate their exiled husbands, and to contribute, with others of their sex, to that anti-episcopal fury among the citizens which broke forth in insults to Archbishop Adamson whenever he appeared in the streets or in the pulpit, and in pasquils against him and the Government. The entry at pp. 690–691 shows the peculiar method adopted by the Council for paralysing such feminine and riotous influence. Husbands were to be made capitally responsible for the Presbyterian excesses of their wives, fathers for those of their children, and masters for those of their servants. The order at p. 692 for the warding of some Edinburgh citizens, and the entry at pp. 695–696 of cautions for so many others, connect themselves with this outbreak of Presbyterian excitement in the city. Calderwood (vol. iv. p. 200) mentions an order for the banishment from Edinburgh of some women who were especially troublesome, and adds that blanks were left in it for the names of other women, to be filled up by Lady Arran at her pleasure.

Equally energetic with the proceedings against Presbytery and its partisans was the continued prosecution and proscription of those political delinquents and antagonists, whether of the original Ruthven Raid or of the more recent rebellion at Stirling, who were now known as the Faction of the Banished Lords. For a series of orders for the pursuit of these delinquents,

collectively or individually, intromission with their estates, intimidation of their friends, &c.,—first while they still lingered in or near the Borders, and afterwards when the chief of them were in refuge at Newcastle or elsewhere in England,—see pp. 670, 672, 674, 689, 693, 700, 711, 722 (with footnote), 727, 729, 730, 740, 744, 754, and 755. The Commendator of Dunfermline died in his exile; but, while Angus, Mar, the Master of Glammis, the Commendator of Cambuskenneth, and others of the party remained in England, with the exiled Presbyterian ministers in their retinue,—all assured meanwhile of the protection and sympathy of Elizabeth, and watching events in Scotland, and communicating with their adherents in Scotland, and ready to be "let slip" into Scotland themselves as soon as they or Elizabeth should perceive matters to be ripe for another rising,—Arran could not feel his Government safe. Hence the most anxious efforts on Arran's part to discredit the Banished Lords with Elizabeth and induce her either to surrender them or expel them from England. For reasons of her own, she did, in December 1584, intimate to the main settlement of the Scottish exiles in Newcastle that they must remove thence to or towards London; but all Arran's remonstrances could effect nothing more. Even the story of a plot of the Banished Lords against the life or liberty of King James, circulated in February 1584–5 on the faith of information from Hamilton of Inchmauchan, corroborated by the depositions of Edmonston of Duntreath, one of the alleged conspirators (p. 722 and footnote), failed to shake Elizabeth's friendly confidence in the exiles; and, though Cunningham of Drumwhassel and Douglas of Mains were executed in Edinburgh on the charge, Angus, Mar, Glammis, and the other chiefs, with the exiled Presbyterian ministers as their chaplains and advisers, lived in security in London, with marked signs of favour and respect from Elizabeth, and visited in her behalf by such eminent Englishmen as Sir Philip Sidney (p. 745, footnote). At pp. 716 and 733 will be found entries which show that Arran, while attending chiefly to the Banished Lords of the Ruthven and Presbyterian persuasion, continued to have his eyes also on Lords John and Claud Hamilton. The latter, brought back into

Scotland by private management with the King, remained there for some time, till Arran found occasion to dismiss him.

Among the most important of the miscellaneous transactions in Arran's administration of Scotland from its very commencement had been, of course, those for revenue purposes. One means of raising revenue which seems to have been relied on and resorted to very largely through this administration was that of traffic in the coinage and management of his Majesty's cunyie-house. For details on this subject see pp. 583, 623, 626, 627, 635, 641, 660, 680, 682, and 683. For illustrations of other modes of raising revenue, such as revocations of Crown gifts, appropriations of forfeited rents and properties, and direct imposition of taxes, see pp. 609, 638, 666, 686–687, 708, 717, 741, 743, 755, 757. Of the other miscellaneous transactions of the same two years we need note only those that relate to the Highlands and the Borders. Among orders especially relating to the Highlands may be mentioned those at pp. 718, 739, and 745. Far more numerous are those relating to the Borders or to particular Borderers. See, for the chief of these, pp. 584, 590, 612, 621, 625, 628, 634, 638, 674, 699, 718, 721, 725, 726, 733, 734, 735, 736, 741, and 745, observing especially that of November 11, 1584 (p. 699), in which Sir Thomas Ker of Fernihirst first appears in the new capacity of Warden of the Middle March and Keeper of Liddesdale, and those from February 14, 1584–5, onwards (*i.e.*, from p. 721 onwards), where the Earl of Morton appears as no longer Warden of the West March and an adherent of the Arran Government, but as at the head of an open rebellion in that district against the Arran Government and against Sir John Johnston as its officer, denounced and put to the horn on that account, and degraded from his brief Earldom of Morton back to his old title of merely Lord Maxwell. This Border revolt of Maxwell and his followers connects itself in an important manner with the story of the final relations of Arran's Government to England and to the party of the Banished Lords.

The real key to these relations, and consequently to some of the latest portions of the Register in the present volume, is hardly to be found in the Register itself. It is to be found

rather in such contemporary records as the letters from and to Scotland, between June 1584 and July 1585, preserved among the English State Papers (*Calendar of State Papers: Scotland*, pp. 475–503).—Arran, it appears, had gradually cooled in that attachment to the policy of alliance with France and association with Queen Mary which had characterised the first months of his new supremacy, as it had characterised his previous term of power in conjunction with Lennox. He had come to speculate whether an alliance with England might not, after all, be the best policy for Scotland. Why should not Scotland, with the native despotism that had been established in her in the name of King James, and with Episcopacy now also secured in her, go on as successfully in league with England as she could in any entanglement with France, Spain, and the Papacy? Did not the real interests of King James, whether immediately, as in the expectation of some subsidy or pension in aid of his own small revenues, or prospectively, as in the matter of his succession to the English crown, lie more in a good understanding with Elizabeth and her subjects than in alliances with foreign powers? The chief obstacle was in Elizabeth's protection of the Banished Lords and affection for their cause; but was not this owing to the fact that the party of the Banished Lords had been hitherto the only Scottish party favourable to the English alliance, and would Elizabeth adhere to the Banished Lords if she saw that the alliance might be conserved by other means? In her secret heart could she look with any favour on those Presbyterian principles of Church government, and those claims of the Scottish Presbyterian Kirkmen to independent ecclesiastical jurisdiction and absolute freedom of speech on public affairs, which the party of the Banished Lords abetted, or professed to abet, and their acceptance of which constituted so much of their popular strength? Would she not prefer seeing in Scotland a system of Church government similar to that established in England, and a clergy kept as rigorously under State control as she kept hers?—To these queries on Arran's side, representing not only his own tendencies but also those of the King, now in his nineteenth year, there were not wanting reasons of response on the part of

Elizabeth. The alarm of conspiracies among the English Roman Catholics for dethroning her and substituting the captive Queen Mary, and of threatened foreign invasions in aid of that enterprise, had made her hold on Scotland and her power over affairs in Scotland more and more essential. Her favourite method for this end was certainly the recovery of Scotland from its present subjection to the Arran supremacy by sending back the Banished Lords, avowedly under her auspices, and with such help from her that they should be able to repeat their late attempt at Stirling with better success. To make safe against contingencies, however, she had been negotiating privately with the captive Mary, so as to understand the exact purport of the Lennox-Arran scheme for an agreement between Mary and her son, with a view to adopt even that scheme as her own if she could shape or accommodate it to English convenience. If, for example, Mary would consent to purchase her liberty, as she had hinted she would, by the formal resignation of the Scottish crown, with her prospects of succession to the English, in favour of her son, might not the English patronage of such an arrangement oblige both mother and son, and lead to the continuance of English influence in Scotland under new conditions? It was while Elizabeth was balancing these two forms of policy, and employing both, that there came Arran's offer of a third form of the alliance between Scotland and England, which should throw overboard at once the party of the Banished Lords and the interests of Queen Mary, and should bring Elizabeth into direct dealing with young King James as the independent Sovereign of Scotland, and with Arran himself as his all-powerful minister. It seemed to Elizabeth and her advisers, especially Lord Burleigh, that the offer was worth a trial; and, accordingly, for a whole year, "the bye-course," as Elizabeth's ministers called the negotiation with Arran, had been pursued by diplomatic correspondence and agents, with much ostensible zeal on both sides, though with a remarkable steadiness of Elizabeth all the while in her private resolution not to surrender or abandon the Banished Lords, but to keep them and their cause in reserve as a second string for her bow.

The first important advance in the negotiation had been in

August 1584, when Lord Hunsdon, a relative and trusted servant of the English Queen, met Arran, by appointment, at Foulden, near Berwick. It was a meeting of great state and ceremony, Arran attended by an army of horse and a number of select Privy Councillors; and the impression he made on Hunsdon and his retinue seems to have been extraordinary. They had never seen a man so magnificent, so kingly,—a man with the "brave countenance of a captain of middle age," as one of them described him in a letter meant to be seen by Elizabeth, "very resolute, very wise and learned, and one of the best-spoken men that ever I heard: a man worthy the Queen's favour, if it please her." All the matters of dispute between the two kingdoms were frankly discussed between Arran and Hunsdon in this interview; and it was arranged that the young Master of Gray, who was with Arran on the occasion, should be sent as special Scottish ambassador to London to forward the negotiation still further. It was not till late in October that this young and subtle schemer did go to London on his mission; but between that date and his return to Scotland in January 1584–5 (when, as we saw, he was first admitted to a place in the Scottish Privy Council beside Arran) he had accomplished a great deal. Professedly Arran's faithful agent, and so successful in that character as to have obtained from Elizabeth her first seeming concession in the matter of the Banished Lords, in the order for their removal from Newcastle to the south of England, he had worked in a deeper vein on his own account. This he had done, not so much by betraying to Queen Elizabeth all the information which his confidential relations with Mary and her agents had enabled him to acquire respecting that queen's secret intentions and the movements in her favour,—in which course of action, though the treachery to Mary was peculiarly his own, he but fulfilled one part of his mission,—as by possessing Elizabeth with the idea that, by acting through him, the Master of Gray, she might attain her main end of a firm league with the Scottish King, and yet see the Banished Lords restored to Scotland if she chose, and Arran's rule overthrown. From January 1584–5, accordingly, the great Arran and his young

friend the Master of Gray sitting together at the Council Board in Holyrood, and Arran not yet suspecting his young friend or only beginning to suspect him, there were two lines of Elizabeth's policy in her prosecution of the negotiation with Arran and James,—the Arran line proper, and the Master of Gray's line. She had not abandoned the first; but she preferred the second; and her preference for it was confirmed when, in the end of February 1584–5, the Scottish Justice-Clerk, Sir Lewis Bellenden, arrived in London as a second emissary from the Scottish King and Arran, and he, too, though he had been sent purposely to denounce the Banished Lords and press Elizabeth for their surrender or expulsion, was secretly induced to agree that, as Arran was universally detested, the League might be carried by Gray's plan for his ruin. So matters stood till towards the end of May 1585, when there came to Scotland, together with Bellenden on his return, that English ambassador whom Elizabeth had chosen to be her representative in Scotland in succession to her last regular resident there, and to whom she had intrusted the difficult task of bringing the long negotiation to a conclusion. How this captivating and all-accomplished ambassador, Mr Edward Wotton, arrived in Edinburgh, with definite instructions and powers; what horses and hounds he brought with him, or had ordered to be sent after him, as presents to James; how he played his dangerous and double part, dealing directly with the King and Arran on the one hand, and on the other consulting secretly with Gray and the other plotters against Arran, and even privy in spite of himself to plans for assassinating Arran or otherwise violently disposing of him; how, in fact, from this moment, Arran and the Master of Gray were consciously engaged in a game of life and death antagonism, watching each other while they met daily with smiles, and each ready for the fatal spring that was to end the strife; how the scene of the diplomacy and the antagonism was transferred, about the middle of June, from Edinburgh to Fifeshire, whither the King and Court had gone to avoid the Plague,—which had recently broken out in Edinburgh, after having lurked or raged for a good many months in various other districts of

Scotland; how, at Dunfermline and Falkland, where all possible precautions were taken to guard the King's court and household against the approach of casual persons who might bring the infection, his Majesty hunted and otherwise enjoyed himself through half of June and the whole of July,—so delighted with the company of Mr Wotton, and with his and Elizabeth's gifts of horses and hounds, that he had no attention to give to the ambassadors who had just arrived from Denmark, nominally to buy back the Orkneys and Shetlands, but really to find whether a marriage might not be arranged between James and a Danish princess; how all the while, though the meetings of Council were few and mostly formal, the great negotiation was pursued; how at last, all matters having been happily adjusted, including promise of a pension of £5000 a year to James from the English Queen, the dexterous ambassador had the satisfaction of welcoming, at St Andrews, on the 31st of July 1585, the "*Band anent the trew Relligioun*" adopted in that city that day in a Convention of the Scottish Estates expressly summoned for the purpose, and empowering King James to conclude a League offensive and defensive with the Queen of England, for the firm union thenceforward of the two kingdoms against all the schemes of the confederate Roman Catholic powers, and therefore, by implication, against the King's own mother and her foreign or English adherents:—of this curious and complex story, as it is to be gathered in full from the correspondence between Scotland and England through the months in question and from other contemporary records, illustrations will be found in the datings and sederunts attached to the excerpts from the Council Register which fill the last fifteen pages of the present volume (pp. 748–762), and also in the footnotes subjoined to some of those pages. The great outcome in the Band of the Convention of Estates and their vote for the League may be studied at pp. 760–761. At the date of that vote, pledging James to perfect amity and alliance with England, he had just entered on his twentieth year. And what of Arran at the same moment? Almost to the very day of the great settlement he had remained master of the situation, as the phrase is, unassailed and apparently unassailable

in his Premiership. The agreement for the League with England had come about very much in his own way, or at least without conditions unacceptable to him; and he could look forward to being himself the administrator of the League, superintending the new relations with Elizabeth which it involved, and dealing at his convenience with the Master of Gray and his other domestic enemies. But, as will be seen at pp. 760–761, Arran, though his name appears first among the signatures to the Act of Estates passed at St Andrews, was not present in the Convention when the Act was passed. He had been committed to ward in the Castle of St Andrews the day before. The cause is explained in the footnotes to pp. 759–761. At a business meeting at Cocklaw, on the Teviotdale border, on the 27th of July, between Sir Thomas Ker of Fernihirst, as Warden of the Middle March of Scotland, and Sir John Forster, as Warden for the same march for England, there had been a sudden fray or riot among the attendants of the two officials, resulting in the death of Lord Russell, the son and heir of the Earl of Bedford; and the news of this "unhappy accident" had just reached St Andrews, horrifying the King inexpressibly, and throwing a gloom over the otherwise joyful consummation of his treaty with Elizabeth. But it served another purpose. At once the assertion or the insinuation of the English ambassador was that the Border fray in which Lord Russell had met his death was no mere accident, but a deliberately planned outrage and breach of faith between the two kingdoms, instigated by Arran and executed by Ker of Fernihirst. It was out of deference to this charge, and with a view to its investigation that Arran had been committed to ward; and it was by the immediate adoption of this charge at the English Court, and by resolute persistence in it and aggravation of it in the farther correspondence between Elizabeth and James, that things were to be compelled at last in the direction which Elizabeth had all along preferred. The League was to be preserved if possible; but it was to be preserved with the Scottish King and nation after they had been made fit for the English Alliance by a revolution overthrowing

Arran and restoring the rule of Scotland to the natural party of the English Alliance, that of the Banished Lords. It is at this critical point that the present volume stops. The Banished Lords were in England, impatient to be "let slip" to the Borders, where Maxwell's independent rebellion might be of some interest in their calculations and in those of Queen Elizabeth; and meanwhile Arran was a prisoner in the Castle of St Andrews, and the King inconsolable without him. It remained to be seen whether Arran would be a prisoner long, and whether he and the King together might not yet put the coalition of their adversaries, English and Scottish, to some considerable trouble.

While the following pages thus elucidate the main course of the political history of Scotland from June 1578 to July 1585, they contain also a large quantity of miscellaneous and incidental information helping us to a conception of Scottish life and manners through those seven years of vicissitude in the body-politic. For much of that information, and especially for the biographical details which the volume furnishes respecting a great many persons then alive in Scotland, some of them remembered by independent tradition, but others only gleaming into existence again once or twice in the pages of the volume itself, and heard of nowhere else, the reader must be left to angle by means of the Index. A few indications will be enough here.

An impression inevitable from the volume throughout, but especially from the numerous cases of deforcement, assault, riot, theft, &c., coming before the Council in their judicial capacity, is that of the rudeness and lawlessness of Scottish society generally in those days, and of the incorrigible savagery of certain districts in particular. In the very first entry (p. 1) we find that, the Earl of Eglinton and the Commendator of Kilwinning having a dispute as to their rights to the Abbacy of Kilwinning, the Earl's plan for asserting his right had been to go to the kirk of the place with a hundred armed men when the Commendator was out of the way, break open the gate, take possession, and put a garrison with victuals into the steeple. Again, at p. 19, a decree

of poinding having been obtained in the Court of Session against Lord Hay of Yester in a private suit, and resistance having already been offered to the execution of the decree, and the Court of Session having passed a severer decree for the arrest of his lordship and escheat of his movable goods, and the officers having gone to execute this second decree, and having seized a quantity of wheat, barley, and oats on his lordship's premises, thirty of his lordship's servants, "of his speciall causing, hounding, command, and ratihabitioun," had made their appearance, "bodin with speiris, Jedburgh stalfis, pistolettis, and utheris wappynis invasive," and had masterfully stopped the officers, overwhelmed them with bad language, and sent them away without the goods. And so case after case in every possible variety of circumstances. The method employed for enforcing a right of property, for example, almost always runs in the formula that on such and such a day, usually "under the cloud of nicht," so many persons, armed as above, and at the hounding and command of some one, either with them or absent, had come to such or such a place, "menassit" and "boistit" the inhabitants in a terrible manner, and ended by turning them out and taking forcible possession. In many cases of the kind, and also of course in cases where the object was not the mere assertion of a right but actual robbery or revenge, we hear not only of the "menassing" and "boisting," but also of merciless manual violence, "mony bauch straikis" or blows and wounds inflicted on men and women in various parts of their bodies, the parts often specified in the complaint, with a peculiarly fond lingering on the aggravation, when it could be added, that the complainants had been permanently maimed, or at least wounded "to the effusioun of thair blude in great quantitie." Private capture, abduction, and incarceration of enemies are frequent enough, with torture and other cruelties, and sometimes murder outright. The instances of such lawlessness and resort to physical force for any personal end are pretty well distributed over the whole country, though there were naturally more of them in the rough and turbulent Borders than in the rest of the Lowlands, and though of course the wildest examples of tyrannical ferocity are furnished by

the Highlands. The reference for illustration must be to the volume *passim*, so abundant are the instances; but here are a few variously characteristic specimens:—

Complaint of John Beck against Lord Maxwell (p. 40).—"In the moneth of August last bipast or thairby, Johnne, Lord Maxwall, be the persuasioun of Robert Maxwall of Cowhill, tuke and put the complinar in prissoun in the place of Carlaverok, quhair he wes detenit be the space of ten dayis, and at last takin out and convoyit to ane wodsyde besyde the said place, quhair they band him hand and fute to ane trie, and tuke ane small cord, and band about his heid, and threw the same about with ane pin quhill his ene lap out upoun his cheikis, onlie becaus he wald not avow ane lesing maid upoun Johnne Schortrig of Mareholme, anent the alledgit wrangis using be him of certane cornis committit be him to the said Lord, albeit, as God knawis, he knew na sic thing, nor na uther cryme or offence committit be him to the said Lord or ony utheris."

Complaint of Walter Barclay (p. 49).—"George Barclay of Gartulie, and Johnne Murray his servand, with utheris thair complices, in the moneth of last bipast, come to the said Walteris landis of Freirleirsait, pertening to him in heretage, and thair, apprehending James Mark, ane of his tenentis, gangand at his pleuch, chacit his oxin, and baist and dang the said James self with battonis, and left him lyand for deid; lyke as the saidis George and Johnne, continewing in thair malice consavit causles aganis the said compliner and his puyr tennentis, upoun the xvi, xvii and xxiii dayis of September last bipast, come to his landis of Cokistoun and Gympstoun, under silence of nycht, and not onlie baist and dang with battonis as of befoir Johnne Broun and James Wilsoun, twa of the said complineris tennentis of the saidis landis, to the effusioun of thair blude in greit quantitie, bot als perforce tuke and transportit thame, and James Moresoun, ane uther of his tennentis, to the toure and fortalice of Gartulie, and thair detenit thame as prissoneris a certane space thaireftir, boistand and mannassand thame during all the tyme of their imprissonment that, gif they war found agane upoun the saidis landis, it sould coist thame thair lyves;—thinking be this forme of doing to lay his saidis landis waist, quhairthrow he sall get na proffeit thairof."

Complaint of Margaret Noble against her step-son, Gabriel Semple (p. 337).—She had been dreadfully troubled by him for some time, not only by a lawsuit he had raised for her ejectment from her lands of the Meikle Manis of Cathcart, of which she had been in possession since her husband's death, but also by his personal violence for the accomplishment of his purpose. He had "divers and sindrie tymes bereft hir cornis, eittin and distroyit the same with hors, strickin hirself and hir servandis, reft and taken the sowme of fyve hundreth merkis money at a tyme fra hir," and "hes minassit to schute hir throw the body with a pistolett, haldand the samyn to hir wemb maist cruellie." To protect herself, she had "obtenit letters of lawborrowis upoun him" from the Court of Session, with

this result :—"Efter the execution quhairof, he with his complices, upoun the morne thairefter, being the twelft of October last bipast, come to hir duelling place of the Manys of Cathcart and to the bern thairof, quhair hir servandis wes workand, and perforce held thame thairintill quhill he neid, naillit and lockit the duris thairof, and immediatlie thairefter come to hir hous and cuttit doun the durris thairof with hewin axis, enterit perforce thairin, pat violent handis in hir persoun, harlit her up and doun the hous, and maist schamefullie straik and dang hir in all the partes of hir body, in sic sort that thay left hir lyand for deid; of quhilk scho is nevir able to convales nor mend, scho being birsit sa that in effect scho is not able to steir hir body for the vehement pane and dolloure thairof, bot wes borne thairefter to Glasgow in ane hors littar. And, not being satiat thairwith, the said Gabriell and his complices violentlie ejectit hir and hir servandis furth of hir said hous, hes intrusit himself thairinto, and mellit and intromettit with hir haill insicht guidis, plennesing, gold, silver, jowellis, cornis, cattell, and haill thing pertening to hir, brokin up hir chalmer durris, coffers, and kistis to that effect, to hir utter wrak and herschip, being a pure wedow, having nathing left hir."

Complaint against Mackenzie of Kintail (p. 88).—Christian Scrymgeour, widow of Alexander Hepburn, late Bishop of Ross, first details various cruelties and inhumanities perpetrated against her and her late husband by this Highland chief and his retainers, out of mere "heich hettrent and saikles malice," till at length the poor bishop "fell seik and nevir recoverit," but died in his house in the Chanonry of Ross, actually besieged there and debarred from "meit and drink, and all uther releif of cumpany or confort of nychbouris and freindis." She then proceeds :—"Upoun the xxii day of September last bipast, the said umquhile Bischope being visiit be the hand of God, and in the extreme point of death, the said Coline M^{c}Kainzie of Kintaill, Johnne Irvin, Williame Barbour, Finlay M^{c}Allane, Andro Irvin, and utheris the said Colinis servandis and complices, with convocatioun of our Soverane Lordis liegis in greit nowmer, bodin in feir of weir, with hagbuttis, bowis, swirdis, and utheris wappynnis invasive, come to the castell and hous of the Channonrie of Ross, and be force and violence enterit thairin, and put the said Cristiane Scrimgeour, the Bischoppis wyfe, and his remanent servandis, bairnis, and houshald, furth of the samyn; intromittit with thair haill guidis and geir being thairin; and, being furth of the said hous, constrynit thame to leif the cuntrie and to cum away be sey, not sufferring thame to get meit, drink, or lugeing within the said toun, nor lettand sa meikle cum away with thame of thair awin geir as a plaid or blankat to keip the saidis bairnis fra cauld within the boit."

Another Complaint against Mackenzie of Kintail (pp. 505-506).—The complainant in this case is another Highland chief, Donald M^{c}Angus of Glengarry. The complaint is very complex, reciting "great slauchters, herschippis, and skaithis," to the extent of £120,000 Scots, done to the complainer and his clan "be Rory Makkenzie, brother-german to Colene M^{c}Kenzie of Kyntale, Dowgall Mackenzie, his brother, and remanent

thair collegis and cumpany, to the nowmer of twa hundreth personis, bodin with twa-handit swordis, bowes, darlochis, hagbuttis, pistolettis." It then proceeds to further particulars, as follows:—(1.) The same band of Mackenzies, "upoun the sextene day of Aprile last bypast or thairby come upoun the said compliner, he being within his awin rowmes and cuntre of Lochcarroun, haveand mynd of na evill nor injurie to have bene done to him nor nane of his, bot thinking to have levit under Godis peace and our Soverane Lordis, and thair not only tuke himself captive, kepit and detenit him prisoner in coves, craigis, woddis, and uther desert places, at thair pleasour, quhairthrow nane of his kyn nor freindis had acces to him be the space of fouretie dayes or thairby, bot als in the meintyme tuke and apprehendit umquhile Rory Makalester, fader brother to the said compliner, and thre of thair sonnes, and utheris his freindis and servandis, to the nowmer of xxxiii personis or thairby, band thair handes with thair awin sarkis, and cruellie and unmercifullie, under promise of saulftie of thair lyffes, caused murther and slay thame with dirkis, appointing that thay suld not be bureit as Christin men, bot cassin furth and eittin be doiggis and swyne." (2.) After the complainer had been kept in captivity by the band of Mackenzies as aforesaid, he had been delivered to Mackenzie of Kintail himself, and carried to his own castle and lands of Strome, in the company of Mackenzie and of his followers, marching to ravage the lands and besiege the castle. Having come to the castle, they had compelled its surrender by "schoring his friendis and servandis being thairin that, gif thay randerit not the same to thame, they suld hang the said compliner in thair sicht;" and they had kept possession of the castle ever since." (3.) "Lyke as laitlie, about the end of Junii last, the saidis Colene M^cKenzie, Rory Mackenzie, and utheris foirsaidis, having violentlie taken Donald Makmoroch Roy, ane of the said compliners cheif kynnismen, wer not content to put him to ane simple death, bot, to bait thame in his blude and be a strange exemple to satisfie thair cruell and unnaturall heartis, first cutt of his handis, nixt his feit, and last his heid, and, having cassin the same in a peitpott, exposit and laid out his carcage to be a prey to doiggis and revenus beistis."

These passages, and a score or two to the like effect that might be quoted from the volume, certainly do not convey the idea that the Scotland of 1578–1585 was a very orderly country. One may easily exaggerate, however, the inference to be drawn from them. Then, as now, it was the disorders, the disturbances of routine, that were registered, while the quiet and normal life flowed on without booking itself in any fashion; and, just as it would be wrong now to gather one's ideas of the state of a community from the police reports, so the state of Scottish society at that time is not to be imagined too strictly from the oddities and

barbarities of which the Privy Council had to take cognisance judicially. In the Highlands, indeed, where mutual warfare among the clans, and collective resistance to the intrusion of the Sassenach, were parts of the very system of existence, such outrages as those attributed to the Mackenzies are to be regarded rather as incidents of such peculiarities of Gaelic outfield than as crimes of the ordinary sort; and even there, who shall estimate the amount of sleepy contentedness and keen open-air enjoyment among the natives, clan within clan? So in the Borders, where marauding and cattle-lifting had not ceased to be respectable, and Scotts, Elliots, Armstrongs, Turnbulls, Bells, Maxwells, and other septs jostled with each other and with the English near them, not without jollity and good temper, according to rough customs and traditional laws of their own district, and held out against the regulation offered them from Edinburgh. Still more in the main Scotland of the Lowlands there must have been, as may be inferred from the nature of things, and as is proved abundantly by other evidence, a great deal of comfortable and humoursome social life and family life, and even of earnestly religious life, unrepresented in the stories of the brawls and assaults that happened in the midst of it and found their way into the Council Records. One observes also a very substantial notion of justice, and of the importance of law and the necessity of enforcing it, in the decisions of the Council itself, through all the changes of government, in dealing with such cases. Where political partisanship intruded, one observes, indeed, very high-handed proceedings, and systematic use of law and construction of law for political ends or the personal advantage of those in power. It is difficult to be sure, even in some apparently indifferent cases, that political motives did not affect the decisions given. But, where political feeling did not intrude, the Council seem generally to have been anxious to do what was right, and to have taken much pains in deliberating and coming to a conclusion. This appears particularly in their decisions between husband and wife, and in other cases of domestic difference or family quarrels. See the interesting and frequently recurring case of Lady Borthwick and her husband, at pp. 34, 54, 55, 108, 204, 251, 402, 467, and 546;

also the case of the Sinclairs of Roslin at 568, and that of the Lauders of Halton at pp. 597, 601, and 637. The same appears in the dealings of the Council with those feuds between powerful names and families, or between rival branches of the same name and family, and those tyrannical assumptions of lordship by certain families over their humbler neighbours, which were features of the Scottish life at that time. For notices of the great family feud between the Gordons and the Forbeses in Aberdeenshire and adjacent counties, and of the proceedings of the Council for stopping that feud or tempering it, see pp. 260–261, 275, 278, 279, and 401. Through the whole volume, however, families continually come up, individually or in pairs, for feud, restlessness, or some other reason—*e.g.*, the Gordons of Gicht, Lord Byron's maternal ancestors, at pp. 96, 102, 103; the Kers and Turnbulls, at p. 100; the Ramsays of Dalhousie, at pp. 109, 338; the Gordons of Cluny, at pp. 131, 353; the Elliots and Armstrongs, at p. 168; the Oliphants and Murrays, at pp. 183, 208, 213, 215, 216; the Stirlings of Keir, at p. 192; the Tweedies, at pp. 241, 729; the Maxwells and Johnstons, at pp. 265, 302, 466, 487; the Dunbars and Inneses, at p. 267; the Turnbulls again, at pp. 302, 628; the Oliphants and Moncreiffs, at p. 311; the Oliphants again, at pp. 329, 333; the Kennedys and Gordons, at p. 334; the Scotts and Elliots, at pp. 380, 388; and the Colquhouns and Campbells, at p. 518. A general order relating to family feuds in the west country, with a list of some of them, will be found at p. 503. The Council seem to have done their best, by obligations of assurance and other methods, to coerce unruly families and families at feud.

A powerful agency in aid of law and order was that of the Reformed Kirk and its clergy. Not only had a high standard of piety and morality been set up for the nation in the system of doctrine which the Kirk taught, and which, with abjuration and detestation of the late Papal system and all its belongings, had taken such firm possession of the national mind, professedly at least, that the phrases "The true Word of God," "The blessed Evangel," "The true Reformit Kirk," were established formulæ in the national language, employed regularly in State documents, as

well as in the talk of the people; not only, in all matters in which the Kirk itself was not in controversy with the State, were the clergy the allies of the civil authorities, stirring them up on the one hand to zeal in the punishment of wrong-doers, and on the other hand preaching the duty of obedience to them; but in the habit of constant church-going which the Kirk inculcated and enforced, and in the rigorous exercise of her own assumed powers of inquisitorship into the domestic lives of all and sundry, and of punishment of moral offences by ecclesiastical discipline, there were constraints to external decency and respectability hardly known to the Scotland of previous generations, and not the less efficacious because the stubborn old Scottish carnality, though calling itself Reformed and Protestant, still resisted them and tried to defy them. There are some curious instances in the Register of this survival of the old Adam in Scotland, and of the rebellion of the same against the new Kirk discipline, sometimes in meaningless irreverence and fun, but sometimes in the guise, or assumed guise, of unsubdued attachment to the old religion, and longing that it were back again. At p. 190, for example, will be found the story of a Henry Houston, of Paisley, a relapsed and excommunicated Papist, whose contumacy in the hands of Mr Thomas Smeaton, minister of Paisley, had so roused the whole Synod of Clydesdale, Renfrew, and Lennox, that they had invoked the arm of the civil power to put him down. Paisley seems to have been a nest of the recreant material; for at p. 209 and p. 215 the western clergy are again before the Privy Council, by Mr Smeaton of Paisley, Mr Andro Hay, minister of Renfrew, and Mr Andrew Melville, principal of Glasgow University, as their representatives, complaining of an act of profanity by three Paisley men, Robert Alexander, William Mudy, and John Wilson. A reverend gentleman, Mr William Cunningham, minister of Lochwinnoch, described as "lamyt of the ane leg," having "come for his lauchfull besines in the toun of Paslay, ryding upoun ane meir, quhilk, be sum evill treatment, chancit to de," the forenamed three reprobates had gone, with ale and other provisions, to the place, apparently in the open road, where the dead mare was lying, and had there "pourit drink in the meiris mouth, and thaireftir

dansit and sung the saule mess and dairgie for the ministeris deid meir, as they callit it, to the gret contempt of sic as feiris God." Of other similar cases perhaps the best is that at p. 273, where James Davidson, reader at Neilston, complains of an Archibald Stewart, who was keeping the parish in an uproar with demonstrations of his adhesion to the old religion, and his determination to have their old mass-priest, Sir Stephen Wilson, once more among them. He had blasphemed most horribly; he had brought pipers into the churchyard, and got up a dance at the church doors in time of prayers; he and his armed comrades had been chasing Mr Davidson round and round his house, and watching for him at all hours; they had already thrashed him once "with ane greine roung," so as to disable him in the left arm; and what they would do if the Council did not come to the rescue no one could tell.

Like every other European country in those days, Scotland was constantly liable to a recurrence of the great epidemic called the Plague. At p. 229 will be found an order of precaution against a threatened approach of the plague from England in October 1579; and at pp. 313 and 330–32 are orders respecting plague-infected ships that had arrived in the Forth and the Tay in September and November 1580. These alarms seem to have passed off; but the plague was actually in Scotland in July 1584, fastening first on parts of Fifeshire and the vicinity of Perth, but keeping all Scotland in dread, and breaking out in Edinburgh before the end of the year. The history of the progress of the plague through the last year of Arran's supremacy, and of the sanitary regulations against it, and especially for the guard of the ferry passages across the Forth while it was confined to the north of that estuary, may be read at pp. 679, 690, 695, 696, 697, 713, 714, 727, 746, and 752.

The Register contains a good deal of matter appertaining to the history of the chief Scottish towns and burghs. Edinburgh naturally figures in chief; and entries relating to it in one way or another—some to its provostship and municipal elections, some to its rights and privileges, some to duties required from it by Government, some to disputes between its merchants and its

craftsmen, or other civic incidents—will be found at pp. 36, 226, 241, 242, 246, 259, 266, 269, 305, 366, 373, 375, 393, 406, 422, 498, 515, 516, 530, 538, 567, 583, 654, and 705. Leith is involved in the entries at p. 246 and p. 373. For entries relating to Glasgow, see pp. 300, 325, and 490; for Dundee, see pp. 520, 583, and 612; for Aberdeen, see pp. 294, 353, 433, 470, 481, and 612, the first containing a specially honourable retrospect of the history of the town, and the third, fourth, and fifth of unusual interest municipally; for Perth, see pp. 121, 583, 612, and 686; for Linlithgow, pp. 26 and 341; for Stirling, pp. 20, 197, 216, 583, 656, 661; for Ayr, pp. 44, 47, 69, and 545; for Irvine, pp. 270 and 545; for Renfrew, p. 300; for Dumbarton, pp. 300, 491, 614; for Dumfries, pp. 71, 129, 590; for St Andrews, pp. 151, 342, 583; for Cupar, p. 583; for Crail, p. 616; for Dunfermline (Abbey or Town), pp. 399, 642, 649, 711, 730, 751, and 754; for Falkland, pp. 752, 755; for Pittenweem, p. 744; for Forres, pp. 641, 650; and for Eyemouth, p. 464. At pp. 406–9 there are entries relating specially to the Regality of Holyrood House, and at p. 752 is one relating to the Barony of Broughton. At p. 624 there is a notice of the Bass Rock and its solan geese.

The Universities of Scotland had their share of attention. Important Acts affecting the Universities generally, though with primary reference to St Andrews, will be found at p. 199 and p. 713; and at pp. 57 and 243 are entries concerning the University of St Andrews by itself. Glasgow University figures in an order at p. 274 relating to its revenues under the Principalship of Andrew Melville; also in an interesting decree at p. 296 inflicting punishment for an assault, in June 1580, on Mr James Melville, Andrew's nephew, then one of the Regents or Professors of the University; also at p. 490, in the Act of Council, already mentioned, relating to the anti-Episcopal riots among the students and townsmen in April 1582 on the occasion of the attempted settlement of Montgomery in the Glasgow Archbishopric. At pp. 472–74, under date April 11, 1582, or exactly three days before the effective foundation of the University of Edinburgh by its first charter from James VI., are two Acts of no small

importance in the infant history of that University. Of the schools of Scotland, as distinct from the Universities, one hears hardly anything in the present volume; but at p. 305, under date September 9, 1580, there is one curious entry relating to Grammar School arrangements in Edinburgh. The Bailies, Council, and Kirk of the Burgh of the Canongate are there found complaining that, though their burgh has liberties and privileges like other burghs, and though they have had flourishing "grammar sculis, ane or ma," in it from time immemorial, yet these have been lately stopped and shut up, and the children dispersed, by the action of Mr William Roberton, "scule maister of Edinburgh," claiming a monopoly of the pedagogy within his bounds. Of this Roberton, who had been headmaster of the High School of Edinburgh before the Reformation, and who, though he had remained "ane obstinate Papist," had defied all attempts to deprive him of his life-appointment, there is very distinct and disagreeable recollection in the traditions of the High School itself and of the Town Council. For a previous trace of him in the Register, under date December 15, 1575, see vol. ii. p. 478. As the High School had just taken a fresh start in a new site and new building, it is probable that in putting down the rival schools in the Canongate he did not act in his own interest merely.

For information as to the state of Learning and Literature in Scotland between 1578 and 1585 one must go to other sources than the Privy Council Register. Something indeed is implied on the subject in the Acts and Orders relating to the Universities; and among the names occurring in the Register in various connections, once or occasionally, are some on which one lingers on account of the associations with them supplied by the literary history of Scotland in those days, such as it was. The greatest literary Scotchman of his age, George Buchanan, heard of through part of the volume as Privy Councillor and Keeper of the Privy Seal, drops into his grave at p. 516, just after the Ruthven Raid Revolution, with which he must have sympathised, and just after he had finished his last work, his Latin History of Scotland. After his death, what pretensions to learning and literature there remained in Scotland were distributed chiefly

among the university men and clergy who had been his students and admirers. Of these Andrew Melville, Principal of Glasgow University and then of that of St Andrews, mentioned so prominently several times in the Register as the champion of Presbytery against the Court, was undoubtedly the chief, both in Latin and in English; but his great opponent, Archbishop Adamson, had no small celebrity as a writer in both tongues. Mr Thomas Smeaton, heard of in the Register first as minister of Paisley, but afterwards as Melville's successor in the Principalship of Glasgow University, was a man of literary tastes and ability; Melville's nephew, James Melville, was walking in his uncle's footsteps; and Mr John Davidson, minister of Liberton, heard of more than once in his clerical capacity (pp. 489, 612, 746, footnotes), had been in trouble for his clever vernacular poetry in the beginning of Morton's Regency, had returned from exile after Morton's death, and had not ceased to cultivate his literary vein. Robert Pont, Provost of Trinity College, Edinburgh, heard of at pp. 343, 476–7, 489 note, 498, 669, 703, was a known literary veteran; Mr Hercules Rollock, heard of at p. 342, is no stranger to Scottish literary antiquaries; and Mr James Carmichael, minister of Haddington, heard of at p. 662 and p. 665, and Mr Andrew Simson, minister of Dunbar, heard of at p. 476, p. 703, and 713 note, are remembered with respect as Latinists and grammarians. The Thomas Craig mentioned pretty often (see Index) is the celebrated Scottish lawyer and Latinist Sir Thomas Craig; and the John Skene mentioned in various places (see Index) is the distinguished lawyer who was afterwards Sir John Skene and Clerk Register. In the interesting entry about the Maitland family at pp. 632-633, already referred to, we are reminded of the literary celebrity of its aged chief, Sir Richard Maitland, and of the reputation of a like kind which descended to his sons, including the John Maitland who figures through so much of the volume as Privy Councillor and Secretary of State, and whose career in Scottish politics was to carry him yet higher. Young King James himself, as we independently know, had a good deal of literary ambition, and kept up some private stir of versifying, and of literary dilettantism

generally, round about him. His little volume of *Essayes of a Prentise in the Divine Art of Poesie* appeared in Edinburgh, from the printing press of Vautrollier in February 1584–5, while Arran was in the height of his supremacy, and contained prefixed commendatory verses in Latin by Archbishop Adamson and Hercules Rollock, and in English by several anonymous courtiers. These facts only connect themselves with the Register from without; and almost the sole direct recognition of literature in the Register itself is in the form of references to the popular pasquils and squibs which went about, in print or in manuscript, in prose or in verse, in Edinburgh and elsewhere, more particularly at critical moments in the state of public affairs, and which, as they were generally hostile to the Court, and full of pungent personalities against leading men, the Governments tried to suppress. For references of this kind see pp. 549–550 and 583–584, besides footnotes at pp. 143 and 691–692; and for a definite Act of Council passed in July 1583, immediately after the Counter-Revolution at St Andrews, for the regulation of the press by the prohibition of all unlicensed "buikis, ballettis, sangis, rymes, or tragedeis, ather in Latine or Inglis toung," see p. 587.

There is one respect in which the present volume, though it contains little bearing directly on the literary history of Scotland between 1578 and 1585, may be turned to account in illustration of that history. It may be used as a repertory of authentic specimens of the "Inglis" tongue as then spoken and written in Scotland. Students of the vocabulary, or of the grammar and idiom of that old form of English, then still the language of an independent nationality and beginning to call itself "Scotch" in consequence, will find much in these pages worthy of their attention. Rare and racy old Scottish words may be culled from them; the peculiarities of inflection and of syntax which still distinguished the book English of Scotland from the book English of England, though a process of assimilation had for some time been going on, are exemplified abundantly; and for the study of old Scottish spelling at a particular epoch, whether on its own account or as conserving relics of older and disused inflections, there is material from the first page to the last. So far

as the volume may serve, by the accuracy of its transcripts, for this incidental linguistic use, while fulfilling its main or historical purpose, the Editor is bound to ascribe the credit publicly to his excellent and indefatigable assistant, Mr James Grant, M.A. Trained in deciphering old manuscripts and abridging the National Records under the late Mr Cosmo Innes, and having acted as assistant to Dr Hill Burton in his preparation of the two previous volumes of the Register, Mr Grant has continued his invaluable services throughout in the preparation of the present. Nor have these services been confined to that work of deciphering and transcribing in which he is a master. Mr Grant's acquired knowledge of old Scottish things, persons, and places, has always been at the disposal of the Editor, and has helped most effectively throughout; and the elaborate Index to the volume is wholly Mr Grant's. Among the Editor's other obligations he has to acknowledge in chief those to Mr Thomas Dickson, the head of the Historical Department of the Register House, whose interest in the volume during its progress has not been merely of the general kind natural in his official position, but has shown itself in his constant accessibility to the Editor and to Mr Grant, and in the readiness of his ripe judgment and advice in difficult or doubtful matters. Thanks are also due to the Rev. Dr M'Lauchlan of Edinburgh for his kind help in determining the spelling of unusual Gaelic names in one or two places of the Register.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1578–1585.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA 1578.

Sec. Con., 1577–79, 33.

Stirling Castle, 17 June 1578.

The Commendator of Kilwinning against the Earl of Eglinton.

Complaint by Alexander Cunningham, Commendator of Kilwynning, against Hew, Earl of Eglintoun:—Both appearing, the Commendator protested that whatever was done "sould na wayis prejuge his letters of gift and provisioun maid to him of the abbacie of Kilwynning, with the kirk, stepill, and haill monasterie, or ony part thairof." He also "askit instrumentis upoun the productioun be the said Erll of Eglintoun of the letters of horning, with the executionis and indorsationis thairof, rasit at the instance of Maister Archibald Craufurde, persoun of Eglishame and vicar of Kilmarnok, upoun the said Commendatare," and upon the production by the Earl of other letters of horning raised against him "at the instance of Maister Robert Wilkie, minister at Lowdoun and Kilmarnok;" by the production of which letters "the said Commendatare wes stoppit to persew his said actioun and caus, and thairfoir protestit that the said Erll had
Page 34. contravenit his lettre of baillierie." He now "likewyis askit instrumentis upoun the part of the said Erllis defenssis and ansueris gevin in in writ" on the subject of the present complaint; which is that, though he had a legal gift of the said abbacy, and had been in peaceable possession thereof, yet, on the 20th of May last, the Earl with his servants and others, to the number of a hundred persons, "bodin in weirlyke maner," had "come to the said place of Kilwynning, the said Commendatare being for the tyme in Stevinstoun with his moder, doand his lesum bessines," and there "perforce and be way of deid brak up the yet, enterit in the stepill, and hes mannit the same with men of weare, thinking to debar the said Commendatare thairfra." The Earl had already been charged to surrender the steeple to the Commendator within 24 hours, "under the pane of rebellioun and putting of him to the horne," or else "to have comperit personalie befoir

the Lordis of Secreit Counsale at ane certane day bipast and schawin ane ressonabill caus quhy he sould not have done the samyn;" and now, in presence of both parties, "the Lordis of Secreit Counsale decernis and ordanis the said Hew, Erll of Eglintoun, to remove himself, his servandis, and gudis, furth of the said stepill, and to leif the samyn void and red, to the effect it may be patent and reddy to sic usis as it wes appointit for allanerlie." At the same time both parties are commanded, at their uttermost charge and peril, to desist from fortifying the said steeple, or using it as "ane hous of weir" in time coming. Acta 1577–79

Stirling Castle, 24th June.
Registration of Band for Abraham Pieterssoen.

Refers to a contract, dated at Holyroodhouse the 17th of February 1575–76, between the King and the then Regent Morton on the one hand, and Abraham Petiersoun, the Fleming, on the other, licensing Petiersoun to work, for twelve years from that date, "all and sindry gold, silver, copper, leid mynis and mynerallis quhatsumevir" in Scotland, within certain specified bounds, and with certain exceptions. [See *ante*, vol. ii. pp. 506–514; also pp. 598–601.] Petersoun now grants an obligation, to be registered in the Books of Secret Council and Session, binding him to fulfil the conditions of his contract by bringing within the realm "gude and sufficient werkmen for wirking at the saidis mynis" before the 10th of March following, on pain of the annulling of the whole contract. The Band, which is dated at Stirling Castle, 24th June 1578, is subscribed "befoir thir witnessis: Alexander Hay, directour of the Chancellarie, Williame Cokke, goldsmyth, burges of Edinburgh, Williame Wylie and Johnne Andro, writtaris, with utheris divers: Sic subscribitur Abraham Pieterssoen." Page 35.

Stirling, 1st July.
Proclamation in consequence of a recent Border Raid into England.

There has been intelligence "of certane disordouris and attemptatis laitlie fallin out betuix the subjectis inhabiting the West and Middill Marchis of baith the realmes, and specialie upoun the xxiiii and xxvi dayis of Junii last bipast, quhairin certane of the subjectis of England inhabiting Tindell and Riddisdaill ar reportit to be slayne and utheris taikin, brocht, and detenit as presonaris within Scotland, besyde the spuilzie of ane greit quantitie of guidis and cattell, in prejudice of the gude peace standing betuix his Majestie and the Quene of England." Proclamation is therefore ordered at the market crosses of Drumfreis, Jedburgh, and other places needful, charging "all and sindrie his Hienes liegis that hes taikin, detenit or keipis under band, ony of the subjectis of England, that thay set thame to libertie and fredome, dischairgand the saidis unlauchfull bandis," and also forbidding any in time coming "to ride in England to the greif and annoyance of the subdeittis thairof," certifying offenders that "they sall not onlie be deliverit for dowbill and safer, and compellit to mak redres according to the rigoure, bot salbe execute to the death." Page 36.

1577-79. *Sederunt* — REX; Jacobus, Comes de Mortoun; Archibaldus, Comes de Angus; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Magister Georgius Buchannane, Custos Secreti Sigilli; Computorum Rotulator. Stirling Castle 6th July.

Proclamation "anent the brutis," *i.e.*, concerning rumours of sinister purposes in the approaching Parliament, and especially the rumour that his Majesty is detained by his present guardians in Stirling against his own will.

"Forsamekill as the Kingis Majestie and Lordis of Secreit Counsale considering the greit troublis and strange accidentis that hes happanit within this realme sen his Majesteis coronatioun, quhilkis eftir thay war pacifiit and the trew subjectis finding a gude quietnes, yit certane invyous personis, glaid of alteratioun and changis, of quhome sum hoiping to mak thair gayne be civile discord and dissentioun, and utheris to eschew puneisment of maist haynous crymes quhairof thay war giltie, mislykit the gude and quiet estait, and sa far went about to miscontrew the doingis of sic as wes cairfull of the same that at last, for satisfactioun alsweill of the mislykairs as of all utheris his Hienes subjectis, his Majestie wes movit to accept upoun himself the governament of this his realme, sen the quhilk tyme his Hienes hes left nathing undone that in him lay not onlie to se justice universalie ministrat and the caussis of all personis grevit to be indifferentlie hard and considderit of, bot als to have all his gude subjectis unitit and brocht to concord for the bettir quietnes of his realme and estait, yit the malicious hartis and iniquitie of sum is sa greit that, in place of thankfull myndis, his Majesteis gude doing and meaning is abusit and recompansit with ingratitude, in sa far as sum, in quhome rancoure and seditioun is sa groundit that thay can not be content to contene thameselffis within the boundis of mesoure, hes brutit and gevin the commoun people to understand that at the Parliament now approcheand materis ar to be treatit to the dissolutioun of the gude peace standing betuix his Majestie and utheris freindis and confiderattis to this realme and to entir in new leagis and bandis with utheris, and last—it that is maist grevous to his Majestie—that his Hienes maist nobill persoun sould be detenit aganis his will. Quhilkis untrew reportis and malicious inventis, as thay ar manifest leyis, groundit upoun untreuth, malice and rancour, sa his Majestie doutis not bot all his gude and loving subjectis, and sic as tenderis the gude quietnes of his realme, will sa esteme of thame and depend upoun the simple trewth as it is: for his Hienes makis manifest that in the said Parliament na thingis ar to be treatit bot that quhilk tendis to the glorie of God, the suirtie of his Majesteis persoun and estait, establisching of gude lawis and commoun quietnes of his realme and liegis thairof. And, as for the present estait of his Hienes persoun, his Majestie hes caus to thank God, quha hes sa aboundantlie blissit him with vertew, knawlege, and uther princelie qualiteis, that his Hienes can gif ane oppin declaratioun of the trewth in that behalf,—quhilk is that he hes taikin and yit takis his chois of his remaning within the Castell of Striviling under the custodie of sic as ar presentlie with him; quhairanent gif ony sall mak dout, let thame repair to his Hienes to

the said Parliament, quhair his Majestie sall mak thame to be resolute as effeiris; and thairfor ordanis letters to be direct to officiaris of armes, shereffis in that part, chairging thame to pas to the marcat croces of Edinburgh, Perth, Dundie, Hadingtoun, Linlythquow, Glasgow, Dumbartane, Air, Irvin, and thair be oppin proclamatioun in his Majesteis name and auctoritie to mak publicatioun of the premissis to all and sindrie his Hienes liegis, swa that nane pretend ignorance of the samyn, and to command and charge all and sindrie erlis, lordis, bischopis, abbottis, prioris, commissionaris of burrowis, and utheris havand vote in Parliament, warnit thairto of befoir, that thay repair to the samyn at Striviling in quiet and peciabill maner, conforme to the formar lettres and proclamationis direct thairupoun and under the panis contenit in the samyn; certifeing thame that dois in the contrair that thay salbe repute, haldin and estemit as seditious personis, movaris of insurrectioun and rebellioun, and salbe puneist and persewit thairfoir with all rigoure and extremitie, conforme to the lawis of this realme and justice." [1] Acta 1577–79. Page 37.

[1] To understand this order and a good deal that succeeds, the following facts have to be remembered:—On the 24th of March 1577–8, or a fortnight after the Revolution, effected in a Convention of the Nobility at Stirling on the 8th of March, by which Morton was discharged from the Regency, and King James, not then twelve years of age, solved the difficulty of the crisis by the nominal act called "taking the Government on his own person," a Council had been appointed to manage affairs till the meeting of a Parliament. The Council was to consist of these fifteen ordinary members, viz.:—Colin, Earl of Argyle; John, Earl of Atholl; John, Earl of Montrose; George, Earl of Caithness; William, Lord Ruthven, *Treasurer;* Patrick, Lord Lindsay of the Byres; John, Lord Herries; Alexander Erskine of Gogar; Robert Keith, Commendator of Deer (in the absence of his elder brother, the Master of Marischal); Robert Stewart, Bishop of Caithness (King's great-uncle, brother of the late Regent Lennox); Mark Ker, Commendator of Newbattle; Mr George Buchanan, *Keeper of the Privy Seal*, and one of the King's tutors; Sir William Murray of Tullybardine, *Comptroller;* and Mr James MacGill, *Clerk Register;*—in addition to whom fourteen others were named as Councillors extraordinary, to be summoned at the King's pleasure, viz.:—Archibald, Earl of Angus; John, Earl of Mar; Andrew, Earl of Rothes, Hugh, Earl of Eglinton, Andrew, Earl of Errol; William, Earl of Glencairn; William, Earl of Menteith; John, Lord Maxwell; James, Lord Ogilvy; Patrick, Lord Gray; James, Lord Innermeath; Adam Bothwell, Bishop of Orkney; David Erskine, Commendator of Dryburgh; and Adam Erskine, Commendator of Cambuskenneth. The Chancellorship, having become vacant by the death of Lord Glammis on the 17th of March, had been bestowed on the Earl of Atholl, who thus became the chief dignitary of the new Government. The Ex-Regent Morton, however, after some time of retreat in what was called his "Lion's Den," had broken in upon these arrangements. He had first persuaded the young Earl of Mar to seize the Castle of Stirling from his uncle Alexander Erskine, its temporary Governor, so as to obtain the custody of the King and seclude him from the body of his ordinary Councillors (April 26, 1578); and he had afterwards come to the Castle himself to follow up the advantage (May 24). He had so managed matters that, at a Convention of the Estates in the Castle on the 12th of June, he had been readmitted into the Council, with special provision that he was to have "the first rowme and place" in it, the Council itself to be recast to suit him. From that date, accordingly, had begun another period of Morton's rule, no longer in the form of a Regency, but in the form of what we should now call a Premiership. To establish himself in that premiership, in the midst of his numerous enemies, was his present difficulty. As it was of great consequence, at the outset, that he should remain at Stirling with the King, he had caused the place of meeting for the Parliament, which had been called for the 10th of July, to be changed from the Tolbooth of Edinburgh to the great hall of Stirling Castle. The Parliament was to be duly "fenced" at Edinburgh on the appointed day, but was to be at once adjourned to Stirling. (See order of June 14, vol. ii. p.

a 1577-79.

Sederunt—Ut in die predicto.

Stirling Castle, 7th July. Order to denounce Cunningham of Drumquhassil, Chamberlain of the Earldom of Lennox, for not appearing to give in his accounts.

King's letters having been raised at the instance of Lord Ruthven, treasurer, Sir Williame Murray of Tullybardin, comptroller, and Masters David Borthuik and Robert Creychttoun of Eliok, his Majesty's advocates, "makand mentioun that, quhair Johnne Cunninghame of Drumquhassill, being maid and constitute baillie, chalmerlane, ressaver and intromettour with the maillis, fermes, gressumes, casualiteis, and dewiteis of the erldome of Lennox and lordschip of Dernlie, hes intromettit with and uptakin the same thir diverse yeiris bigane," and will not account for the same "to our said Soverane Lord, as havand undoutit rycht thairto, without he be compellit," charge had, accordingly, been given to the said Laird of Drumquhassil "to have comperit personalie befoir our said Soverane Lord and sic auditouris as it suld pleis his Hienes to appoint for heiring of the saidis comptis within the Castell of Striviling upoun the first day of Julii instant," bringing his documents with him, and accounting for his said receipts "at ony tyme bigane, at leist sen his last futil compt," all under the usual pain of rebellion. On the appointed day Sir William Murray of Tullibardin had appeared personally, but Cunninghame only through his procurators, Umphra Cunninghame, Petir Houstoun, Walter Watsoun, and Robert Beggar; who "alledgit that he wes than vesiit with seiknes, and forder that he durst not compeir personalie for feir of his lyffe, becaus he wes in that opinioun and suspitioun that the principall keiparis of the Castell of Striviling wer his unfreindis." The King and Lords of the Council, finding that this excuse tended to a delay, had "decernit thairfoir lettres simpliciter to be direct to denunce him rebell and put him to the horne," but ordered execution of the same to be deferred to the 8th of July, in case Cunninghame should appear personally on the 7th, trusting to his Majesty's promise "to mak him suir to be unharmit or invadit be ony persoun or personis within the said castell." The 7th has come; "and now, he being diverse tymes callit as of befoir and yit not comperand, the saidis Thesaurare and Comptrollare being baith personalie present, the Kingis Majestie thairfoir, with avise of the saidis Lordis of Secreit Counsale, ordanis ane officiar of armes to pas and denunce the said Johnne Cunninghame our Soverane Lordis rebell and put him to the horne, and to escheit etc."

Case of the Sheriff of Moray and others against James, Prior of Pluscardin, and Alexander Winchester, minister of Elgin.

The same day "James, priour of Pluscardin, and Alexander Wynsister, Page 38. minister of Elgin, compeirit personalie, and gaif in ane copy of our

705). This, with Morton's reaccession to power generally, had given great offence to the nobles opposed to him. They declared that a Parliament held in a place of strength like Stirling Castle, especially when both it and the King were in the absolute possession of Morton, could not be a free Parliament; most of them were resolved not to go near it; and all kinds of rumours were abroad as to what was to be done in the coming Parliament, and as to the young King's feelings in being shut up with Morton. Hence the present order, which is virtually Morton's own. The Councillors present that day were all his friends.

Soverane Lordis letters rasit at the instance of James [Dunbar], sheref of Murray, Johnne Rutherfurd, Maister Johnne Dunbar of Mest, James [Henry], and Johnne Moir, burgessis of Elgin and Fores, deputis to the said sheref, be the quhilk the said Priour and Alexander Winsister alledgit that they war chairgit to compeir personalie befoir the saidis Lordis of Secreit Counsale at ane certane day bipast." They also gave in counter letters "rasit at the instance of the said Alexander Wynsister aganis the said sheref and his deputis." Parties having been called, "and the saidis sheref and his deputis not comperand to persew, the saidis Priour and Alexander, baith reddy to answer, protestit that thairfoir na thing sould be proceidit aganis thame be vertew of the saidis lettres" till "they war newlie warnit and thair expenssis modifiit and payit as efferis; quhilk protestatioun the Kingis Majestie, with avise of the saidis Lordis, admittit." [For the matter in dispute, see Printed Register, vol. ii. pp. 666–9 and p. 686; and, for previous notices of Winchester, p. 68 and pp. 440–2.] Acta 1577–79.

Stirling Castle, 14th July.

Sederunt—REX; Jacobus, Comes de Mortoun; Joannes, Comes de Mar; Andreas, Comes de Arrole; Patricius, Dominus Lindesay; Allanus, Dominus Cathcart; Alexander, Dominus Saltoun; Episcopus Moraviensis; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth.[1]

Proclamation against feuds during the sitting of Parliament, with charge to Sheriffs and Commissioners of Burghs to present themselves.

As "diverse of the nobilitie and utheris of the Estaittis ar presentlie convenit at Striviling, to treat and conclude upoun certane greit and wechtie materis in this present Parliament," during whose sitting "necessar it is that all his Majesteis liegis observe and keip his Hienes gude peace," proclamation is ordered at the market cross of Striviling to "charge all and sindrie his Hienes liegis alreddy convenit or that heireftir sal happin to convene and repair to the present Parliament, of quhatsumevir degrie, qualitie or conditioun thay be of, that nane of thame presume or tak upoun hand to invaid or persew uther owther for auld feid or new, or mak provocatioun of truble to uther in word, deid or countenance, in thair cuming to Striviling, remaning thairin, or departing thairfra, under the pane of deid;" also "to warne all shereffis and commissionaris of burrowis to repair the morne betuix seven and aucht houris afoir none to the utter yet of the Castell of Striveling and thair avait upoun thair calling," bringing with them their rolls and commissions.

Stirling Castle, 16th July.

Sederunt—REX; Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Andreas, Comes de Arrole; Franciscus, Comes de Bothuile; Hugo, Comes de Eglintoun; Joannes, Comes de Mar;

[1] The Parliament, adjourned from Edinburgh on the 10th of July, was to reassemble the next morning at Stirling, and this was a small gathering of the nobles and others that had already come to Stirling, rather than an ordinary meeting of Council. Lord Cathcart, Lord Saltoun, and George Douglas, Bishop of Moray, who joined the six Councillors in the sederunt, had been Councillors before in Morton's Regency.

ta 1577–79.

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[Robertus], Comes de Buchane; Willelmus, Dominus Ruthven; Laurentius, Dominus Oliphant; Alexander, Dominus Saltoun; Robertus, Dominus Boyd; [Henricus], Dominus Sinclair; Allanus, Dominus Cathcart; Hugo, Dominus Somervile; Episcopus de Cathnes; Episcopus Moraviensis; Episcopus Aberdonensis; Episcopus Glasguensis; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Commendatarius de Culross; Commendatarius de Glenluce; Commendatarius de Corsragwell; Clericus Registri; Willelmus Murray de Tullibardin, miles, Computorum Rotulator; Clericus Justiciarie.[1]

Declaration of the freedom of the Parliament, with charge to all who have come to it to remain to the end.

"Forsamekle as, the Kingis Majestie with his nobilitie and Estaittis being laitlie convenit in the greit hall within the Castell of Striviling appointit for halding of this present Parliament, it wes proponit how that sindrie materis war to be treatit thairin concerning the glorie of God, the suirtie of his Majesteis persoun and estait, and commoun quietnes of his realme, and, attoure, to stop the mouthis of malitious personis, it wes oppinlie declairit be the Kingis Majesteis awin speiking that this present Parliament wes and is a frie Parliament quhairunto all nobill men and utheris havand vote thairin or utherwyise to propone mycht have fre acces, siclyke and als frelie as is or hes bene accustumat at ony time heirtofoir; bot, leist the commoun people mycht be movit suddanlie to gif credite to the reportis and inventionis of sum personis travelling to schaik all thingis lowse, his Majestie hes thocht gude to signifie his formar declaratioun publiclie, and thairfoir ordanis ane herald, masour, or uther officiare of armes, to pas to the marcat croce of the burgh of Striviling and utheris places neidfull, and thair, be oppin proclamation in his Hienes name and auctoritie, to mak publicatioun and intimation of the premissis to all and sindrie his Hienes liegis, swa that nane of thame pretend ignorance of the same, and als to warne and require all and quhatsumevir personis

[1] The Parliament, or at least those who consented to appear in it, had met on the previous day, July 15, and also on this day, the 16th, in the hall of Stirling Castle, the King present in his robes royal, and Morton in the absent Chancellor's place; and the meeting of which this was the sederunt was not a regular meeting of the Council as such, but a convention of as many of the lords attending the Parliament as could be got together after Parliamentary hours, and apart from the Commissioners of Burghs, to join with Morton and the Councillors adhering to him in forming a kind of Council extraordinary. The Earls of Angus, Erroll, Eglinton, and Mar, Lord Ruthven, the Bishop of Caithness, the Commendators of Dryburgh and Cambuskenneth, the Clerk Register, and Sir William Murray of Tullybardine, having been appointed of the Council on the 24th of March (*ante*, p. 4, footnote), may be regarded as such Councillors adhering to Morton; but there were fifteen in the sederunt besides, viz.:—Francis Stewart, the young Earl of Bothwell (son of a natural son of James V., and therefore the King's cousin); Robert Douglas, Earl of Buchan (Morton's brother); Lords Oliphant, Saltoun, Boyd, Sinclair, Cathcart, and Somerville; George Douglas, Bishop of Moray; David Cunningham, Bishop of Aberdeen; James Boyd, Bishop of Glasgow; Alexander Colville, Commendator of Culross; the Commendator of Glenluce; Allan Stewart, Commendator of Crossraguel; and Sir John Bellenden of Auchnoul, Justice-Clerk. These, too, must be supposed to have been adherents of Morton for the time. He had yet to form a complete Council to his mind.

havand voit in Parliament or that utherwyise hes to do or propone thairin, that they repair thairto, gif in thair propositionis in writ to the Lordis of Articlis alreddy chosin to treate, avise and consult thairupoun, and they sal have frie access and be satisfeit in all thingis according to equitie and justice, assuring thame to find als upricht, plane and frie dealing, and everie persoun to be handillit and usit als frelie and lovinglie in all sortis, as they or thair antecessouris hes bene be ony occupying the royall place of his Majestie at ony tyme heirtofoir. And, to the effect that materis may the better proceid with ane uniforme aggrement to the contentatioun of all his Majesties gude subjectis, to command and charge all and sindrie his Hienes liegis quhilkis hes repairit hither be his Hienes lettres and commandiment, that they remane and not depairt during the tyme of the said Parliament and quhill the final end and dissolutioun thairof, as they and ilkane of thame will ansuer upoun thair obeydience at thair uttermest charge and perrell, and under all hieest pane, cryme and offence that they may commit and inrin agains his Majestie in that behalf." Acta 1577–79.

Stirling Castle, 17th July.

The Earl of Montrose and Lord Lindsay committed to ward in their lodgings in Stirling.

The King, "for certane ressonabill caussis and considerationis moving his Hienes," ordains a macer or other officer of arms to "charge Johnne, Erll of Montroise, and Patrik, Lord Lindesay of the Byris, to remane within thair ludegeingis within the burgh of Striviling, and not to depairt furth of the samyn in tyme cuming unto the tyme they knaw forder of his Majesteis will and plesour towartis thame, under the pane of rebellioun, and putting of thame to the horne."[1] Page 40.

Stirling Castle, 23rd July.

Lord Boyd's surrender of the Bailiary of Glasgow to the King, as Earl of Lennox.

"The quhilk day, in presens of our Soverane Lord and Lordis of Secreit Counsale, Robert, Lord Boyd, at the speciall desyre and plesour of his Majestie, and for the lufe and favour quhilk the said Lord beiris to Robert, Erll of Lennox, wes contentit and consentit that our said Soverane Lord, as Erll of Lennox be himself, and utheris in his name, suld bruik and use the office of baillierie of the lordschip and regalitie of Glasgow

[1] The cause of this treatment of Montrose and Lindsay was the behaviour of these two lords in the meeting of Parliament on the previous day. They and the Bishop of Orkney had come to Stirling as commissioners of that malcontent faction of the nobles of which Atholl and Argyle were the heads, charged with the duty of protesting, in name of these Earls and the other absentees, that the Parliament "was not a free Parliament, it being haldin within a strength and castell." They had performed this duty, Lord Lindsay being the chief speaker; and there had been an altercation between them and Morton, which was not ended till the boy-king rose, after Morton had whispered to him, and "said, blushing and somewhat stootting, 'Least any man sould judge this not to be a free Parliament, I declare it to be free; and those that love me will thinke as I think'" (Calderwood, iii. 414). There is distinct reference to this little speech of the King's in the order of yesterday by the extraordinary Convention or Council meeting which sat after the Parliament rose. The Proclamation then ordered was made this day, Friday, July 17, at the market cross of Stirling; and the warding of Montrose and Lindsay was a natural incident of the same day. They had stood firmly to their protest when summoned that day before the Lords of the Articles; but the Bishop of Orkney had yielded.

ta 1577-79. in tyme cuming, conforme to the decreit gevin be the lordis of Secreit Counsale thairanent [see *ante*, vol. ii. pp. 697–8], under protestatioun that the said consent nor decreit suld on na wyise prejudge the said Robert Lord Boydis heretabill titill, quhatsumevir he hes, of the samyn baillierie, bot that he may persew be vertew thairof as accordis of the law."

Stirling Castle, 24th July. Charge to all having vote in Parliament to be in their places to-morrow.

Proclamation ordered at the market cross of Striviling, commanding "all and sindrie erllis, lordis, bischopis, abbottis, pryouris, commissionaris of burrowis, and uthers havand vote in this present Parliament or that hes to do or propone thairin, that they and ilkane of thame cum and repair to the greit hall within the Castell of Striviling appointit for holding thairof the morne, the xxv day of Julii instant, be aucht houris afoir none, quhairin thay sal have fre entres and acces at thair plesour." The keepers of the gate of the Castle are to make the same patent to the aforesaid at their peril.

Stirling Castle, 26th July.

Sederunt—REX; Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Hugo, Comes de Eglintoun; Alexander, Comes de Glencarne; Robertus, Comes de Buchan; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Commendatarius de Culross.

Order for armed levy of the lieges.

Page 41. His Majesty and Council, "considdering the monyfauld reiffis, slauchtaris, heirschippis, oppin robbereis, and oppressionis, quhilkis hes bene and dalie is committit and usit in diverse partis of this realme, bot speciale be the inhabitantis of his Hienes Bordouris," ordain letters to issue to officers of arms, "chairging thame to pas, command and charge all and sindrie his Hienes liegis betuix sextie and sextene yeiris, and utheris fensabill personis, alsweill dwelland to burgh as to land, within regalitie as ryaltie, within the bounds of the sherefdomes of Edinburgh principall, and within the constabularie of Hadingtoun, Striviling, Linlythquow, Clakmannane, Kinross, Perth, Fyffe, Forfar, Lanark, Renfrew, Dumbartane, Air, baillieries of Kyle, Carrik and Cunninghame, and stewartreis of Straytherne and Monteith, be oppin proclamation at the marcat croces of the heid burrowis of the samyn, that thay and ilkane of thame prepair thame selffis and be in reddines, weill bodin in feir of weare, with xv dayis victuall and provisioun, to convene and meit his Majestie, his Lieutenent, or sic utheris as salbe directit frome his Hienes, at sic place or places, day or dayis, as thay sall ressave new adverteisment be proclamatioun upoun sex houris warning, to pas furthwart as they salbe commandit for the furthsetting of his Majesties auctoritie and service, and to remane for that effect during the said space of xv dayis, under the pane of tinsell of life, landis and guidis."

Proclamation ordered against an illegal gathering and levying of armed men in Edinburgh.

Notwithstanding a recent proclamation [June 1: see *ante*, vol. ii. pp. 702–3] "commanding all and sindrie our Soverane Lordis liegis that nane of thame suld tak upoun hand to raise or interteny ony bandis of men of weare, with culveringis, pistolettis or uther armour on horse or on fute, for dalie, oulklie or monethlie waigis, in tyme cuming without our Soverane Lordis speciall licence in writ, efter the forme and tennour of the Act of Parliament maid thairanent and under the pane of deid contenit thairin," his Majesty is informed that "thair is certane men of weir rasit within the burgh of Edinburgh be personis having na commissioun nor power of his Hienes and his Counsale, for troubling, as apperis, of the present estait, to the contempt of his Majestie and his auctorite." Proclamation is therefore to be made at the market cross of Edinburgh and other places, commanding "all and sindrie the saidis men of weir rasit without his Majesteis commissioun, that thay incontinent disarme thame selffis, under the pane of deid; certifeing thame and thay failyie that they salbe execute to the deid without favour quhairevir thay may be apprehendit." Also the provost and bailies of Edinburgh are "to serche, seik, tak and apprehend the capitanis and commanderis of the saidis men of weire within the said burgh," detain them in ward in the Tolbooth, disarm their followers, and permit no such unlawful gatherings "under quhatsumevir cullour or pretence" in the burgh, "nor yit suffer nor permit pulder, bullet, nor na uther maner of armour, to be transportit furth of the samym bot be sic as sal have speciall commissioun from his Hienes to that effect." For the execution of the premisses, the Provost and Bailies are to "assemble togidder the inhabitantis of the said burgh and utheris his Majesteis liegis in feir of weare, as thay will answer to his Hienes upon thair obeydience at thair uttermest charge and perrell;" and command is also to be given to "Alexander Erskin of Gogar, capitane, and all utheris keparis, of the Castell of Edinburgh, to concur, fortify and assist the saidis prowest and baillies," and not to "resset, supplie, nor schaw favour to the saidis men of weir and utheris dissobedient personis."

Acta 1577–79.

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Dispensation anent the wapinschawing of Edinburgh.

A number of the inhabitants of Edinburgh, with the baillies of the burgh, having repaired to Stirling, by command, to await upon the King's service there during the time of the late Parliament, it had been impossible to hold the wapinschawing of Edinburgh on the ordinary day,—to wit, the 10th of July. The King and Council now give dispensation in that behalf, and order the Provost, Bailies, and Town Council of Edinburgh to assemble the community "and mak their wappinschawing" on another day [date left blank],—the same to be "als lauchful in all respectis" as if it had been held on the 10th of July.

Charge to Captains Bruce and Ker.

Letters to be issued commanding "Capitane James Bruce and Capitane Ker" to appear before the King and Council within 12 hours after being charged, "to answer to sic thingis as salbe inquirit of thame at thair cuming, under the pane of rebellioun."

eta 1577–79. Page 43.

Order to denounce Lord Seton for intercepting letters from the Queen of England.

Complaint has been made "be the Ambassadour heir resident with his Hienes for his darrest sister the Quene of England" [Mr Robert Bowes] that the bearer of certain letters from that Queen to his Highness and to the Ambassador "wes, upon the xviii day of Julii instant, taikin in the hie gait betuix the burgh of Edinburgh and Kirklistoun be George, Lord Seytoun, his servandis and complices, and violentlie compellit to turne bak agane to the said burgh of Edinburgh, quhair he wes maist uncourteslie handillit." For this outrage, done to the contempt of the King's authority, and "without respect to that humanitie and courtessie that is cravit to personis beiring the charge and messege of sic a Princesse, sa deir unto his Hienes," Lord Seton had been summoned to appear before the Council "under the pane of rebellioun and putting of him to the horne." He had not so appeared; and now therefore the King, with advice of his Council, "ordanis letters to be direct to officiaris of armes, shereffis in that part, chairging thame to pas and denunce the said George, Lord Seytoun, our Soverane Lordis rebell, and put him to the horne, and to escheit etc."

In the case of the Earl of Eglinton and the Abbot of Kilwinning.

Letters have been "rasit at the instance of Hew, Erll of Eglintoun," complaining that Alexander, Commendator of Kilwynning, "alledgeing him laitlie to have obtanit ane decreit of the Lordis of Secreit Counsale decerning and ordaining the said Erll to remove him self, his servandis and guidis, furth of the stepill of Kilwynning" [*ante*, pp. 1, 2], has since then "purchest utheris letters upoun the said decreit, and thairwith hes causit charge the said complinar to remove him self, his servandis and guidis furth of the said stepill" under the pain of rebellion and horning, "and, for alledgit non-fulfilling of the command of the saidis utheris letters, hes of verray malice causit put the said Erll to the horne wranguslie, howbeit in veritie he hes riallie and with effect obtemperit and obeyit the charge of the saidis utheris letters in all pointis, and hes removit himself, his servandis, and guidis furth of the said stepill," as will appear from "ane autentik instrument taikin thairupoun," and as he will further make
Page 44. good, if necessary, by finding "souirtie to that effect." The Earl therefore maintains that the said letters "aucht to be suspendit, and he relaxt fra the said proces of horne." Charge having been given to the Commendator and to Thomas Esset, messenger, who had executed the letters, to appear before the King and Council, "bringand with thame the saidis utheris letters of horning and executionis thairupoun, gif ony war," and "the said Hew, Erll of Eglintoun, comperand personalie, with Maister Johnne Schairp, his prelocutour, and the said Commendatar compeirand be Maister Clement Litill, his procuratour," the Lords "suspendis the foirsaidis letters and proces of horne contenit thairintill upoun the said Erll simpliciter in tyme cuming," because Robert, Lord Boyd, has become cautioner and surety for his vacating and surrendering the steeple, under the pain of £1000 "to be upliftit toties quoties in caise of failyie."

Charge to the Earls of Atholl and Argyle to leave Edinburgh.

"Forsameikill as, upoun the occasioun of the remaning of Johnne, Erll of Athole, lord of Balvanie, chancellare, and Coline, Erll of Ergile, lord Campbell and Lorne, Justice General, within the burgh of Edinburgh a certane space bipast, quhen as the nobilitie and Estaittis repairit to our Soverane Lordis Parliament laitlie haldin at Striviling, diverse of the Lordis and nobilitie may consave, as sum alreddy hes consavit, opinioun of meaning againis thair dewitie and obedience towart his Majestie; in respect quhairof, and of diverse utheris considerationis moving, the Kingis Majestie, with avise of the Lordis of his Hienes Secreit Counsale, ordanis letters to be direct to heraldis, masseris or utheris officiaris of armes, chairging the saidis Erll of Ergile and Athoile to depairt thame selffis, thair servandis, familie, houshaldis and cumpanyis furth of the said burgh of Edinburgh within xxiiii houris nixt eftir thay be chairgit thairto, and, eftir thair depairting furth of the said burgh, to reteir thame to thair awn dwelling places with convenient diligence and speid, under all hieest pane and charge that eftir may follow." Acta 1577-79.

Plenary commission of Lieutenancy by the King to the Earl of Angus.

"James, be the grace of God King of Scottis, to all and sindrie our liegis and subdeittis quhome it effeiris, to quhais knawledge thir our letters sal cum, greting: Forsameikill as it is understand to us and the Lordis of our Secreit Counsale that thair is certane dissobeydient personis, irkit of the gude tranquillitie and quietnes of our realme, quhilkis of lait has convocat thameselffis togidder in armes, and, usurping upoun thame our authoritie, hes lykwyis causit raise and tak up certane bandis of men of weare without ony power or commissioun had frome us, mynding, eftir massing of thair forces togidder, to attempt sum thingis, as appeiris, aythir aganis our persoun, the present estait, or the commoun quietnes of our realme, quhairupoun forder inconvenient is able to follow, gif thair treasonabill interprysis be not substantiouslie and spedilie prevenit. And thairfoir we have gevin and grantit, and be thir our letters gevis and grantis, our full power and commissioun, expres bidding and charge, to our richt traist cousing and counsallour, Archibald, Erll of Angus, to convocat our liegis in wearlyke maner in quhatsumevir part of our realme als oft as neid beis, and to pas Page 45. and persw the saidis dissobeydient personis, thair assisteris and parttakaris, be fyre, swird and all uther kynd of hostilitie, quhairevir thay may be apprehendit; and to that effect proclamationis in our name to direct and caus mak, commanding and chairging yow all and sindrie our liegis and subdeittis foirsaidis, within quhatsumevir boundis, to ryise, convene and pas furthwart with him als oft as neid beis for persuit of the saidis dissobeydient personis, under the pane of tinsell of life, landis and guidis. And, gif it sal happin thame or ony of thame to pas and flie to houssis or strenthis, that than our said richt traist cousing caus charge and require the samyn houssis to be randerit, and gif thay salbe refusit to pas and asseage the samyn, raise fyir and use all kynd of force and wearlyke ingyne that can be had for wynning and recovery thairof. And, in caise it sal happin the saidis dissobedient personis or ony of thame, thair assis-

Acta 1577-79. teris, parttakaris, or utheris being with thame in cumpany, to be hurt, slayne or mutilat, or thair cornis and guidis to be spuilyeit and distroyit, or thair houssis brint and cassin doun, we will and grantis, and for us and our successouris decernis and ordanis, that the samyn salbe repute na cryme nor offence to the persewaris, nor thay nor nane of thame sall not be callit nor accusit thairfoir criminalie nor civilie be ony maner of way in tyme cuming, nochtwithstanding ony our actis, statutis or lawis, maid or to be maid in the contrair, exonerand thame of all pane and dangear that thay may incur thairthrow for evir; with power alsua to our said richt traist cousing to direct his preceptis, chairging the saidis dissobeydient personis or ony of thame, thair assisteris or parttakaris, to compeir personalie afoir him for securitie to be taikin for thair dew obeydience to us; and, in cais of refuise, to caus denunce thame our rebellis and put thame to our horne; and thairefter thair escheit guidis and geir to caus intromet with, inbring and deliver to our Thesaurare in our name; the personis taikin and apprehendit be force to pardoun or utherwyise to justifie to the deid as he sall think expedient; as alsua all utheris personis, dissobeyaris of the saidis proclamationis, to persew and proceid aganis thame for thair dissobeydience conforme to the lawis of our realme; and to that effect court or courtis of justiciarie, als oft as neid beis, in quhatsumever part of our realme to set, begin, affix, afferme, hald and continew; sectis to mak be callit; absentis to amerchiat; trespassouris to puneis; unlawis, amerchiamentis and escheittis of the saidis courtis to ask, lift and raise, and for the samyn gif neid beis to poind and distrenzie, the ane half thairof to our use to inbring, and payment thairof to our Thesaurare in our name to mak, and the uther half to our said richt traist cousingis for his awin lawbouris to apply; assyisse ane or ma to summond, warne, cheis and caus be sworne, ilk persoun not comperand under the pane of fourtie pundis; clerk, serjand, dempstar, and all utheris officiaris and memberis of court neidfull, to mak, creat, substitute and ordane, for quhilkis he salbe haldin to answer; and generalie all and sindrie utheris things to do, exerce and use, that for executioun of the premissis is necessarlie requirit to be done; ferme and stable
Page 46. haldand and for to hald all and quhatsumevir thingis our said richt traist cousing lauchfullie dois heirin. Quhairfoir we straitlie chairgis and commandis yow, all and sindrie our liegis and subdeittis foirsaidis, to ryise, concur, fortifie and assist our said richt traist cousing in the executioun of this our commissioun and all and sindrie pointis thairof, and to do nor attempt na thing incontrair the samyn, as ye and ilk ane of yow will answer to us upoun your obedience at your uttermest charge and perrell, and under all hieest pane, cryme and offence, that ye may commit and inrin againis our Majestie in that behalf. This our commissioun during our will and ay and quhill we expreslie discharge the samyn to induir; quhilk commissioun we will and declairis to be of als greit strenth, force and effect, as gif the samyn had past under the greit sele with all ceremonyis requisite; dischairging the Lordis of our Counsale and Sessioun, our Justice-Generall and his deputis, our Thesaurare, Advocattis, and all utheris our officiaris

and ministeris of our lawis, of all calling, accusing or in onywyise proceiding aganis our said richt traist cousing, his assisteris or parttakaris, for ony caus, occasioun or deid that sal happin to be committit be thame in vertew of this our commissioun, and of thair offices in that part:—Gevin under our signet and subscrivit with our hand at our Castell of Striviling the xxvii day of Julii, and of our regnne the ellevint yeir, 1578." [1] Acta 1577–79.

[1] Though the eight last entries all appear in the Register as appertaining to one Council meeting at Stirling on Saturday the 26th of July 1578, it seems probable, if it is not proved by the dating with which the last of them ends, that they belong really to two days, Saturday, the 26th, and Sunday, the 27th. Seven of them, at all events, have a common purport, which is hardly apparent from themselves:—The Parliament at Stirling had held its final sittings on the 25th and 26th, on which days had been passed all the Acts elaborated by the Lords of the Articles since the first meeting at Stirling on the 15th. The first of these was an Act declaring the freedom and validity of the Parliament; the second was "The Ratificatioun of the Acceptatioun of the Regiment upoun the Kingis Majestie in his awne persoun"; and among the others were Acts of thankful exoneration to Morton for all he had done in his Regency, and to the Mar family for their fidelity in the guardianship of the King's person since his childhood, and for their recent proceedings at Stirling Castle in connection with Morton. There was also an Act constituting the Privy Council anew. It was to consist of the following twenty members: — Morton, "the first of his Majesties Counsell"; the Earl of Atholl, *Chancellor;* the Earl of Argyle, *Justice-General;* Robert, Earl of Lennox, Lord Darnley (the King's great-uncle); Hugh Montgomery, Earl of Eglinton; William Cunningham, Earl of Glencairn; Andrew Leslie, Earl of Rothes; Robert Douglas, Earl of Buchan (Morton's brother); William Ruthven, Lord Ruthven, *Treasurer;* Robert Boyd, Lord Boyd; Andrew Stewart, Lord Ochiltree; Allan Cathcart, Lord Cathcart; David Erskine, Commendator of Dryburgh; Adam Erskine, Commendator of Cambuskenneth; Robert Pitcairn, Commendator of Dunfermline, *Secretary;* Sir William Murray of Tullybardine, *Comptroller;* Mr James MacGill, *Clerk Register;* John Bellenden of Auchnoul, *Justice-Clerk;* David Borthwick, *King's Advocate;* and Mr George Buchanan, *Keeper of the Privy Seal.* The non-official members were to take turns in attendance upon the King at Stirling, four of them always for two months continuously, of whom three should sign documents with the King, though this was not to prevent the others from attending when they choose. The first four to be in regular attendance were Morton, Lennox, Boyd, and the Abbot of Cambuskenneth. The official members were to be habitually present; and, till the Commendator of Dunfermline should return from an Embassy on which he had been sent to England, the necessary duties of his office of Secretary were to be discharged by Mr George Buchanan, Keeper of the Privy Seal, and his colleague in the Preceptorship of the King, Mr Peter Young. (See Acta Parl. Scot. III. 94–114.) In case of vacancies in the Council arising from the refusal of any of those nominated, or from death, the King was to have power, with advice of the remanent members, to appoint others; and there was reserved for him in any case the right of adding two or three more, as he might see proper. The Act reconstituting the Council was already substantially in operation, for all those in the sederunt of the present Council meeting, of July 26, were of the persons appointed by the Act, except the Commendator of Culross, who probably came in by the saving clause. But, though things seemed thus all fairly arranged at the rising of the Parliament of Stirling, it was far otherwise in reality. Two of the appointed Council, Atholl and Argyle, with a number of other peers and lairds hostile to Morton, such as Lords Ogilvy, Maxwell, and Herries, had not come to Stirling at all, but were standing aloof; the Earl of Montrose and Lord Lindsay, who had come to Stirling to protest, and had been committed to ward, had broken their ward and left Stirling; Edinburgh was the rendezvous of the associated malcontents, and was astir with armed men; and Scotland seemed on the eve of another civil war, in which the struggle should be between the Morton faction and the Atholl faction, or, as it was also called, faction of the Lords. Sunday the 27th of July was a day of great excitement over this prospect, both at Edinburgh and at Stirling. Two of Morton's proclamations from Stirling were published that day "about sermon time" in Edinburgh; and at Stirling, as we have seen, there was drawn up that day the Com-

a 1577-79.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Robertus, Comes de Buchane; Robertus, Comes de Lennox; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Commendatarius de Culross; Computorum Rotulator. Stirling Castle, 29th July.

Another proclamation against the insurgent faction and the reports they are spreading.

"The Kingis Majestie and Lordis of Secreit Counsale understanding the present preparatioun of certane of his nobilitie and utheris his rebellious subjectis, quha, having convenit thame selffis togidder in armes, and schaiking of thair dew obeydience aucht to his Majestie, without feir of God or respect to thair bundin dewitie and alledgeance, intendis be force and plane hostilitie to persew his Hienes maist nobill persoun, for bereifing him, as appeiris, of his life and croun, under cullour of his Majesteis service in procuring of the libertie of his Hienes persoun, detenit as they say aganis his will, using all indirect meanis to draw eftir thame a large taill of ignorant personis, yea sum of the best of his Majesteis liegis, quha evir to this houre hes gevin a pruif of thair undoutit treuth, perswading thame as thoucht they had his Hienes prime command and hand writ for thair warrand: Quhairanent his Majestie is constrynit to mak oppin declaratioun of the untreuth of thair alledgeance to all his Hienes gude subjectis, leist thay sould be seduceit or cariit away be the craftie practisis and divisis of the saidis personis, taking God to witnes that thay nor nane of thame hes nor nevir gat sameikle as a word of his Majesteis mouth, meikle les his Hienes handwrit, to sic effect; quhilkis his Majestie hes oftyntymes declairit baith be word and writ, and laitlie in oppin Parliament in presens of his thre Estaittis, as alswa that it wes his Hienes awin desyir and pleasour to remane yit in the Castell of Striviling, quhair he hes continewit almaist sen his Hienes birth, and to be servit and awaitit on in his domestik service be the hous of Mar, freindis, servandis and dependaris thairof; quhais trew part borne unto him in tyme of gretest dangear movis
Page 47. his Majestie to perswaid himself to be in bettir suirtie in thair cumpany nor as gif his Hienes war at the devotioun of the saidis personis, amangis quhome it is to be feirit that thair is sum that meanis als untrewlie to his Majestie at this tyme as thair bipast dealing in procuring the owirthraw of his Hienes estait and authoritie at sindrie tymes hes declairit; and thairfoir, as thair querrell groundit upoun untreuth manifestis the poysoun lang lurking in thair hartis, sa his Majestie doutis not bot all his Hienes gude subjectis will sa esteme of thame as they ar in deid, and gif place to his Majesteis awin declaratioun, utterit afoir be word and writ, and now confermit agane be thir presentis. Quhairfoir his Majestie, with avise of the Lordis of Secreit Counsale, ordanis letters to be direct to officiaris of armes, shereffis in that part, chairging thame to pas and mak publicatioun and intimation of the premissis to all and sindrie his Hienes liegis be oppin

mission appointing Morton's nephew, Angus, Lieutenant-General for the King in the expected civil war. This sense of a civil war as actually begun will be found to pervade the proceedings of Council for the next fortnight and more.

proclamatioun at the marcat croces of the heid burrowis of this realme and utheris places neidfull, swa that nane of them pretend ignorance of the samyn, and to command and charge all and sindrie the saidis liegis that nane of thame tak upoun hand to credeit the reportis and speikingis of the saidis personis, not yit under cullour thairof or utherwyis assist or tak part with thame, bot that all sic as hes bene seduceit to assist and tak armes, for waigis or utherwyis, upoun thair fals reportis and inventionis, leif thair armes and depairt hame to thair awin duelling houssis, and use thame-selffis as our Soverane Lordis gude and peciabill subjectis in tyme cuming, within sex houris nixt eftir the publicatioun heirof, under the pane of treasoun; assuring thame, gif thay sa do, of his Hienes mercie and pardoun, nochtwithstanding thair lait assistence and beiring of armes,—quhairunto thir presentis sall serve thame for a sufficient warrand; certifeing thame alsua, and thay do in the contrair, the saidis sex houris being bipast, they salbe repute, haldin and estemit as art and parttakaris with the saidis personis in thair treasonable deidis, and salbe punisit, persewit and demanit as tratouris, quhairevir they may be apprehendit, with all rigour and extremitie, in example of utheris." Acta 1577–79.

Another charge to the Earls of Atholl and Argyle.

The recent letters charging John, Earl of Atholl, and Colin, Earl of Argyle, to remove themselves from Edinburgh [*ante*, p. 12] have had no effect. Though they were "deulie execute," the said Earls "have not onlie dissobeyit the samyn, bot in forder contempt of us and our auctoritie hes persuadit a greit nowmer of his Hienes liegis to tak armes upoun fals reportis and inventionis." Fresh letters are therefore ordered, repeating the charge to them to quit Edinburgh within twenty-four hours, and retire to their own dwelling-places, "certifeing thame, and thay failyie, thay salbe repute and estemit as seditious personis, movaris of insurrectioun and rebellioun, and salbe puneist, usit, persewit, and demanit as tratouris, with all rigour and extremitie, in exempill of utheris." Page 48.

Armed levy to meet the King at Stirling on the 10th of August.

Referring to the proclamation ordered on the 26th [*ante*, p. 9], charging "all and sindrie our Soverane Lordis liegis betuix sextie and sextene yeiris and utheris fensabill personis" over certain parts of the kingdom to be in readiness to meet in arms on due advertisement, his Majesty now issues such advertisement. The reason is that "sum of his nobilitie, and utheris malicious personis, having schaikin of thair dew obedience aucht to his Hienes, without feir of God or respect of thair bundin dewitie and alledgeance, hes of lait convocat thame selffis togidder in armes, and, usurping upoun thame his Hienes auctoritie, hes lykwyise causit raise and tak up certane bandis of men of weare without ony power or commissioun had frome his Majestie." In these circumstances "neidfull it is that his Hienes be weill and substantiouslie accumpanyit with his Majesteis gude subjectis, alsweill for resisting of the temerarius attemptattis of the saidis dissobedient personis as persuit of thame as occasioun salbe offerit." Proclamation is therefore now ordered at the market crosses of the head burghs

1577-79. of the parts of the kingdom named in the former proclamation, commanding the aforesaid levy of all the lieges between sixteen and sixty years of age and other fencible persons in those parts, "that thay and ilkane of thame, weill bodin in feir of wear, with xv dayis victuallis and provisioun, cum and repair to his Majestie at Striviling upoun the tent day of August nixt to cum, to remane, serve, or pas furthwart as thay salbe commandit for persuit and resistence of the saidis rebellious subjectis, conforme to the formar proclamatioun direct thairupoun, and under the pane of tinsell of life, landis and guidis, contenit thairin."

Order for preventing exportation of the 30s., 20s., 10s., and 6s. pieces.

Page 49. Referring to an Act of the late Parliament at Stirling empowering the Privy Council "to tak ordour how the xxx, xx, and ten schilling pecis, with the testanis [pieces of six shillings], mycht be haldin within this realme, and not transportit furth thairof as commounlie it is be diverse the liegis of the same and maid oppin and plane marchandice in Flanderis and utheris partis beyond sey, to the greit hurt of our Soverane Lord and commoun weill of his realme, quhairthrow within schort space littill or nane of the said sylvir money salbe left current within the same" [see "Ane Act maid anent Cunyie," Acts of Parl., 1578, iii. 108], the Lords state that, finding all Acts of Parliament and orders of Council prohibiting such exportation of Scottish coin under penalties to have failed hitherto, they have been considering the cause. They find it to be "throw the rising of the prices of sylvir in uther realmes and cuntreis, howbeit not aggreabill with his Hienes cunyie foirsaid in wecht and fines." The remedy they now propose, "eftir mature advise and deliberatioun," is as follows:—"That all the saidis xxx, xx, and ten s. pecis, and testanis, salbe brocht in to the cunyehous and deliverit to our Soverane Lordis Maister Cunyeour betuix the dait heirof and the first day of Marche nixt to cum, upoun the prices following: that is to say the xxx ß. pece for xxxii ß. vi đ., the xx ß. pece for xxi ß. viii đ., and the x ß. pece for x ß. x đ., and the testane for sex ß. vi đ.; to the effect that sameikle of the same money as beis fund countairfait and adulterat may be clippit doun and deliverit agane to the awnar [as mere broken metal, worth what it will fetch], and that the lauchfull and trew cunyie may be markit with a crownit thrussill thus , and deliverit lykwyise agane to the awnair, to have course and passage thaireftir as followis: that is to say the xxx ß. pece for xxxvi ß. ix đ., the xx ß. pece for xxiiii ß. vi đ., and the x ß. pece for xii ß. iii đ., and the testane for vii ß. iiii đ., deduceand of everie xxx ß. pece, and accordinglie of the rest *pro rata*, to his Hienes and the said Maister Cunyeour for his lawbouris iiii ß. iii đ., and of the testane x đ." Proclamation is therefore to be made to all the lieges to bring or send their coins before the appointed date to the "said Maister Cunyeour" to be so treated, "with certificatioun that sic of the saidis pecis as sall not be markit betuix and the said day sall nawyise have course or passage thaireftir amangis our Soverane Lordis liegis, bot the personis quhatsumevir with quhom thay sall be fund thaireftir unmarkit salbe persewit

and puneist as accordis." The wardens and assayer of the "cunyehous" are commanded to be present at the marking of the coins, "and keip just register of sameikle as salbe dalie markit," the assayer also to "mak the assayis of all sic cunyie as sall be fund fals or countarfait and registrat the same in his bukis." Acta 1577–79.

Stirling Castle, 30th July. Band by Torquil MacLeod.

"The quhilk day Torquill M°Cloid, sone and appeirand air to Rorie M°Cloid of the Lewis [mentioned several times in vol. ii.: see Index there], band and obleist him to compeir and entir befoir our Soverane Lord and Lordis of his Hienes Secreit Counsale, quhair thay sal happin to be for the tyme, to ansuer to sic thingis as salbe inquirit of him at his cuming, as he salbe requirit or chairgit thairto upoun fourtie dayis warning, under the pane of fyve thowsand pundis. In respect of quhilk oblissing, Patrik, Lord Lyndesay of the Byris, souirtie for the entrie of the said Torquill at ane certane day bipast [the 23rd of May], is simpliciter dischairgit be thir presentis, and the Act maid thairupoun [4th July 1577: see vol. ii. p. 619] ordanit to be deleit and to have na forder strenth, effect, nor execution in tyme cuming. Sic subscribitur: Torquill M°Cloid, with my hand at the pen led be the notare underwritten at my command, becaus I can not write: Ita est, David Moysie, notarius publicus, de mandato dicti Torquill, scribere nescientis, ut asseruit." Page 50.

Stirling Castle, 31st July. Certain captains and their men not to be molested during their service.

The King having commissioned "Capitanis David Hume of Fischewik, knycht, Thomas Craufurd of Jordanhill, James Prestoun, and Andro Lamby, to levy and tak up within this realme certane bandis of men of weare for furthsetting of his Majesteis authoritie and service," and it being necessary during their service "that all particulare grugis and querrellis be laid apart and na thing attemptit aganis thame or ony of thame," proclamation is to be made that none of whatsoever degree "tak upoun hand to invaid, truble or persew the saidis Capitanis, thair officiaris, memberis of thair bandis, or utheris the men of weir and suddartis being under thair charge, owther for auld feid or new," during their time of service, "under the pane of deid."

Stirling Castle, 2nd August.

Sederunt—REX; Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Episcopus Moraviensis; Commendatarius de Dryburgh; Commendatarius de Cambuskenneth; Commendatarius de Glenluce; Computorum Rotulator.[1]

Letters ordered for denouncing William, Lord Hay of Yester, the King's Page 51.

[1] Three of this sederunt—the Earl of Mar, the Bishop of Moray, and the Abbot of Glenluce—must have been brought into the Council by the saving clauses of the Act of Parliament, permitting substitution and addition in the Council. (See *ante*, p. 14, foot note.)

1577-79. rebel, and putting him to the horn, on the following grounds:—"The five dochteris and bairnis of umquhile Kirk, sumtyme duelland at the Kirk of Eddilstoun," had obtained a "decreit befoir the Lordis of Counsale and Sessioun" against Lord Hay of Yester, in virtue of which certain officers had "past to have poindit his reddiest guidis and geir for the sowme of twa hundreth pundis." These officers had been masterfully and violently opposed in the execution of their duty; "quhairupoun the said Lord wes callit and persewit of new befoir the saidis Lordis of Sessioun" at the instance of the King's advocates, together with Lord Ruthven as the King's treasurer, "and the saidis bairnis for *thair* interes." The Court had "decernit" his Lordship "to have committit manifest and wilfull deforcement, and thairfoir all his movabill guidis to be escheit and ordanit to have bene inbrocht to his Hienes use, and his persoun to be wardit during his Majesteis will." In pursuance of this sentence, "utheris letters of new war direct, quhairwith Johnne Calder, Bute pursevant, Johnne Broun, Williame Forsyth, Williame Portuos, and James Aikman, officiaris of armes, upoun the fyft day of Julii instant past, serchit and socht the guidis and geir pertening to the said Lord, to have bene inbrocht to our Soverane Lordis use, conforme to the said decreit." They had "apprehendit thre bollis quheit and four bollis beir, threschin in the barne of Hedinghill, togidder with xxiiii stakis of quheit, beir, and aittis, standand in the barneyaird of the samyn and utheris partis thairabout," when "Williame Hammiltoun, Thomas Bellenden, Johnne Litill, Johnne Leirmont, Adame Litiljohnne, Robert Young, Andro Hay, Gawen Hudsoun, Niniane Hardane, and utheris, to the nowmer of threttie personis or thairby, servandis and dependaris of the said Lord, of his speciall causing, hounding, command and ratihabitioun, come to the saidis officiaris, bodin with speiris, Jedburgh stalfis, pistolettis, and utheris wappynnis invasive, prohibit to be worne be our Actis of Parliament and Secreit Counsale, and not onlie gave thame mony injurious wordis, bot violentlie, masterfullie, and be way of deid stoppit thame." To answer for this contempt Lord Hay had been charged to appear before the Council, bringing the other offenders with him. He had appeared on the 26th of July last, but without the others,—all of whom, however, except Littlejohn, he then admitted to be "his men, tenentis, or servandis." The Council had then "assignit to him this day, the said secund day of August," for a second appearance, and for the production of his culpable retainers, "under the pane of rebellioun and putting of him to the horne;" and, as neither he nor any of the said retainers had obeyed the summons, nothing remained but
Page 52. sentence of denunciation and horning accordingly.

William, Lord Hay of Yester, to be denounced and put to the horn.

Caution and surety by Andro Wod of Largo, and James Wod, his brother, conjointly and severally, in £2000, for Archibald Stewart, provost of Edinburgh, that he will depart to the Castle of Doune in Menteith, and remain in ward therein or within a mile round it, and will not, while in ward, correspond in any way with the Earls of Atholl and Argyle,

Stirling, 6th August. Caution for the Provost of Edinburgh.

or "utheris thair assisteris and parttakaris," or do anything else to his Majesty's prejudice.[1] Acta 1577–79.

Stirling Castle, 11th August. Order for removing horses from the Park at Stirling.

As, by "the multitude of horssis now imput" into his Majesty's park of Striviling, "not onelie is the gerse thairof eittin and distroyit quhairon his Hienes deir sould have levit the winter seasoun, bot als the same deir ar skatterit and chacit away," and as "it is of veritie that at all tymes of sic publict conventionis, armeis and assembleis as is now presentlie, the horssis of all men repairing to his Hienes or his predecessouris service war fed and nurisit utherwyise than within his said park," proclamation is to be made at the market cross of Striviling commanding "all and sindrie his Majesteis liegis that hes horssis within the said park, that thay remove and tak thame furth of the same this present nycht approcheand, and that nane tak upoun hand to put thair horssis within the same in tyme cuming," under penalty of poinding of their horses and farther punishment.

Stirling Castle, 12th August.

Sederunt—Domini ut in die predicto.

Act of grace for such as may be slain or hurt in the King's service under his Lieutenant, the Earl of Angus.

"Forsameikle as, eftir the lang quietnes of this realme continewit be the space of fyve yeiris under the governament of James, Erll of Mortoun, lord of Dalkeith, lait regent to our Soverane Lord, his realme and liegis, at last his Majestie wes movit, upoun the said Erllis voluntarie dimissioun, to accept the regiment in his Hienes awin persoun, at the persuasioun of sum of his Majesteis nobilitie, quhilkis for the tyme accumpanyit his Hienes, pretending that it sould have brocht the haill commounwelth in mair happy and quiet estait nor afoir, howbeit the succes hes declairit far utherwyise, in that the movaris of his Majestie to attempt the same governament of this realme in his Hienes awin persoun hes sensyne, bot cheiflie now of lait, dissobeyit his Majesteis chairgis and commandimentis, convocat his Hienes liegis, rasit cumpanyis of men of weare in armes, and with oppin weare and hostilitie intendis, as weill appeiris, not onelie to schaik of all detfull obedience, bot to cum aganis his Majestie and persew his Hienes, and his Counsale ordourlie electit be his Majestie with avise of his Estaittis, compassing the place of his Majesteis residence on everie syde sa far as in them lyis with multitudis of Hieland men appointit to forray and mak pray of all trew and honest mennis guidis and substance owir quhome thay may be maisteris, gif thair barbarus and temerarious Page 53.

[1] By this time Atholl and Argyle and the rest of the Lords of their faction had put forth a proclamation from Edinburgh, declaring themselves to be the true Government for the King, protesting against all that had been done at Stirling, inveighing against Morton as the great conspirator who, after having misled the House of Mar, obtained possession of the King's person, and secluded him in Stirling Castle from his chosen and lawful Council, was now keeping the King in thraldom, issuing orders in his name, and plunging the realme into ruin "to mainteane this his usurped authoritie." The proclamation also ordered a levy of the lieges, between sixty and sixteen years of age, in opposition to Morton, to march to Stirling on the 10th of August "to obteane the King's Majestie's libertie and deliverance." See Calderwood, iii. 422, where the proclamation is given complete. It is dated only "August, 1578," but must have been on an early day of that month.

1577-79. attemptatis be not spedilie resistit; quhairfoir his Majestie hes maid and constitute his rycht trustie and weilbelovit cousing and counsallour, Archibald, Erll of Angus, lord Dowglas and Abirnethie, his Hienes lieutenent and justice, and hes gevin him full power, command and auctoritie to pas furthwart with his Majesteis army now assemblit for the avancement of his Hienes service and suppressing of the rebellioun of the saidis dissobedient subjectis, as at mair lenth is contenit in the commissioun maid thairupoun. Thairfoir it is statute and ordanit be our said Soverane Lord that quhatsumevir persoun or personis that happinis to be hurt, slayne or deid, or takis seikness, in his Hienes service under the charge of the said lieutenent, gangand, remanand, or cumand, gif he be erll, lord, barroun, frehaldar, vassell, subvassell, fewar or heritour quhatsumevir, his air or airs sal have their awin ward, marriage, releif and nonentres of his Majestie frie, dispensand with thair minoritie, quhat eild that evir thay be of, without payment of ony teind penny; and siclyke of all utheris lordis spirituall and temporall, baith wassellis and subvassellis, providing that the airis foirsaidis persew and obtene entres within thre termis eftir the deceis of thair faderis or utheris quhom to thay may succeid; and, gif the airis beis of les age within tutorie and beis not enterit to thair landis and heretage befoir thair age of xiiii yeiris, quhilk may be throw negligence of thair tutouris and utheris thair freindis, the Kingis Majestie privilegis and grantis to thame that thay may entir within thre termes nixt eftir thair perfyte age of xiiii yeiris as said is, and this to be extendit to the immediat air that is to succeid to the personis that happanis to deceis in the said service in name foirsaid. And, becaus it may happin the persoun decessand in the said service to have lauchfull bairnis of his body by his air, thairfoir ordanis that the proffeit of his ward landis be tane up be the moderis, gif thair be na tutouris testamentaris, alsland [*sic*] as scho remanis wedo, and, failyeing thairof, the narrest lauchfull tutouris of the saidis bairnis, to be distributit to the sustentatioun of the said air, and to the utilitie and proffeit of the rest of his brether and sisteris to the perfyte aige of the said air or
Page 54. airis; that is to say, gif thay be maill, of xxi yeiris, and gif they be famell of xiiii yeiris, the proffeit of the saidis airis mariage being ay fre to himself, his moder, tutour and governour alwayis findand sufficient cautioun befoir the Lordis of Sessioun that thai sal mak compt and rekning of thair intromissioun befoir the saidis Lordis in the chekker yeirlie; and, gif the airis of the personis that happanis to deceis as said is have ony fewis, that thay entir siclyke to thair faderis few landis, haldin of quhatsumever persoun or personis spirituall or temporall, within the termis foirsaidis, without payment of the dowbling of the few. And, gif ony maillaris, taksmen, rentallaris or commonis sal happin to be slane or tak seiknes quhairof thay happin to deceis at the said service, that thair wyffis, bairnis, executouris or assignais sall bruik and jois thair takis, stedingis, rowmes and possessionis, alsweill of kirklandis as temporall landis, and enter thairto and remane frelie thairwith for the space of fyve yeiris without ony gerssum or entrie silver, payand yeirlie maillis and dewiteis usit and wont allanerlie.

And, gif ony beneficit man or pensionare sal happin to be slayne, hurt or tak seiknes in the said service quhairof thay happin to deceis, the narrest qualifiit persoun of his kin sal have the presentatioun and provisioun of his benefice and gift of his pensioun, and the fruittis of the ground and annat to pertene to the executouris of the personis swa deceissand. Quhairfoir the Kingis Majestie ordanis ane herald, masser or uther officiar of armes, to pas to the marcat croce of the burgh of Striviling and utheris places neidfull, and thair be oppin proclamatioun in his Majesteis name and auctoritie mak publicatioun and intimatioun of the premissis to all and sindrie his liegis, swa that nane of thame pretend ignorance of the samyn."[1] Acta 1577-79.

"Erll of Angus Commissioun."[2]

Stirling Castle, 14th August. Order to disband forces.

His Majesty having "declairit and ordanit that all hostilitie sall without delay ceis, and all forces be desolvit, except sum bandis of horsmen alreddy retenit upon his Hienes charges," proclamation is ordered at Striviling and Falkirk, charging all the lieges now in arms, the said horsemen excepted, "that thay and everie ane of thame ceise and leif of all hostilitie, dissolve thair forces, and pas hame to thair duelling places without delay."[3] Page 55.

[1] As the wording of this Act shows, the two factions were now all but in conflict near Stirling. Atholl, Argyle, Montrose, Lords Maxwell, Seton, Livingston, and Innermeath, the Master of Lindsay, Hume of Cowdenknowes, Ker of Cessford, and other lairds, had left Edinburgh on the 11th of August, and were about Falkirk on this day, the 12th, with about 1000 horse and foot. Angus had moved from Stirling to meet them, with 800 or 900 horse. By Morton's desire, Angus refrained from battle, and both parties were waiting for an increase of forces. Meanwhile the English ambassador, Mr Bowes, and some ministers from Edinburgh, were going and coming between them, trying to effect a reconciliation.

[2] So in the margin of the Register, with a space left blank, as if for the insertion of the Commission. But see it already, *ante*, p. 12. That Commission had been duly published in Edinburgh on the 29th of July, and there can hardly have been another.

[3] The sudden change in the state of affairs indicated by this entry had been effected mainly by the mediations of the English ambassador, Mr Bowes, after the army of the Atholl and Argyle faction had swelled to about 7000 men, advancing upon Stirling with a blue banner, on which there was a representation of the King as an imprisoned boy behind a grated window, calling out "*Captive I am; liberty I crave;*" and receiving this answer, "*Our lives we shall lose, or that ye shall have*" (Balfour's Annals, i. 367). By a Treaty made at Stirling this very day, August 14, and embodied in a Declaration signed by the King the next day "under our signet" and "with advice of the Lords of our Secreit Counsell present," it was agreed that both armies should be dissolved, that all the proceedings of the insurgent lords since the 10th of June last should be accepted "as good services done," that there should be equal access in future to the King by the lords of both parties, that the Earl of Montrose and Lord Lindsay should be added to the Privy Council, and that Eight Noblemen should be nominated, "with advice of our dearest sister and cousin the Queen of England," who should labour for the removal of all remaining differences and grievances. Special articles in the agreement were that the King might add to the Council a third nobleman of his own choosing, and that the Laird of Drumwhassel should be relaxed from his horning, to give in his accounts, and return to his office of Chamberlain of Lennox. See the two documents in Calderwood, iii. 424-426. The latter of the two, dated "the 15th of August," is properly a Privy Council document, and ought to have been included in the Register, as really drawn up by some of the Council for the boy-king's signature. We shall find it hereafter referred to in the Register, and implicitly adopted into it, under the name of the King's "*Declaratioun of the lait accord for quieting of the Publict Trublis.*"

a 1577–79. Page 56.

Sederunt—Rex; Jacobus, Comes de Mortoun; Archibaldus, Comes de Angus; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth. Stirling Castle, 16th August.

Archibald, Earl of Angus, "being nominat and chosin as the thrid of the thrie of the Lordis of Secreit Counsale,[1] maid faith and gave his aith." Earl of Angus added to the Council.

Robert, Commendator of Dunfermling, the King's Secretary, "having exponit and declarit the forme of his proceidings and negotiatioun with the Quenis Majestie of England and hir Counsale," is found and declared to have "trewlie, honestlie and diligentlie performit and dischairgit his charge;" and this declaration is to be embodied in an act "ad perpetuam rei memoriam."[2] The Abbot of Dunfermline reports his proceedings in England.

Caution and surety by Maister James Halieburtoun, Provost of Dundie, for Capitain Johnne Straithauchane, "to quhome licence is grantit to levy and tak up twa hundreth waigit men of weir, and with them to depairt to the service of the Estaittis and Commounwelth of the Law Cuntreis of Flanderis, freindis and confiderattis of this realme," to the effect that "the said Capitane sall caus the men he liftis leif upoun thair awin chargis" without oppression or participation in any strife till they go abroad, and without convening within sixteen miles of Stirling Castle, and also that neither he nor any of the men he raises shall in their passage abroad "trubill, pilyie, or tak geir fra, ony subjectis of this realme nor na freindis
Page 57. and confiderattis thairof," or shall, when abroad, "serve with Papistis agains Protestantis, professouris of the ewangell of Jesus Crist;" moreover "that he sall not transport in his cumpany ony landit men prohibit to depairt be Act of Parliament without speciall licence;" all "under the pane of five thowsand markis," and responsibility besides "for the full redres of all sic guidis as salbe spuilyeit fra the freindis and confiderattis of this realme." Stirling, 21st August. Caution for Captain Strauchachin.

Caution in £100 by Patrick Kinross, burgess of Striviling, for Alexander, Commendator of Kilwynning, to the effect "that the said Commendator, and Murdo Stewart, his servand, sall leif the stepill of Kilwynning void and red, and sall nawyise fortifie the same as ane house of weare, according to the command of our Soverane Lordis letters purchest againis thame, Stirling Castle, 24th August. Caution for the Abbot of Kilwinning.

[1] As by the power reserved to the King in the Declaration mentioned in last note.

[2] Robert Pitcairn, Commendator of Dunfermline, and Secretary of State, had been despatched into England in June, to thank Elizabeth for her kindness to King James in his "youngar aige," to confirm the amity between the two kingdoms, and to negotiate on various matters, including the state of the Borders, and the King's rights to the Lennox property in England (vol. ii. p. 707). By his return George Buchanan and the King's other preceptor, Peter Young, were relieved of the interim duties of the secretaryship (*ante*, p. 14, footnote), the Commendator resuming his post, and Buchanan confining himself again to his proper office of Privy Seal.

be deliverance of the Lordis of Secreit Counsale, be Hew, Erll of Eglintoun, unto the fift day of September nixt to cum;" suspension of the said letters being accordingly granted "to a certane day thaireftir, that the veritie may be knawin." [See *ante*, pp. 1–2 and 11.] Acta 1577–79.

Stirling Castle, 27th August. Caution for Alester Barrayth.

Caution in 500 marks by Coline Campbell of Airdbaith for Allestar Barrayth Maknab, son of Allester McNab, that he will appear upon the third day of "the nixt justice air of the sherefdome of Perth," or sooner elsewhere upon 15 days' warning, "to underly the law for all crymes that may be imput to him."

Stirling Castle, 28th August.

Sederunt—Domini ut in die predicto.

Alexander Carlyle against Lord Maxwell.

Complaint of Alexander Carlile, as follows:—On the occasion of some controversy "betwix him and Johnne Irvin, callit the Windie Duke," they had both been taken by Lord Maxwell, warden of the West Marches, "and put in ward within the pledge chalmer of the burgh of Drumfreis; quhairin the said Alexander has bene keipit and detenit straitlie in irnis be the space of xxii oulkis," although "the said Johnne Irvin wes fred and relevit of a lang tyme bigane upoun cautioun." Equally good caution has Page 58. divers times been offered by the said Alexander; but Lord Maxwell "of verray malice" has refused it and keeps him still in irons. Charge had been given to Lord Maxwell "to have exhibite the said Alexander befoir our Soverane Lord and Lordis of Secreit Counsale upoun ane certane day bigane, to heir and se him decernit to be put to libertie" or else show reasonable cause to the contrary; and now, "letters being oftymes callit, and the said Johnne Lord Maxwell not compeirand," the Council "ordanis letters to be direct, chairging the said Johnne, Lord Maxwell, to put the said Alexander Carlile to libertie and fredome within xxiiii houris eftir the charge, under the pane of rebellioun and putting of him to the horne, and to escheit, etc." Surety has been found in the books of the Council that the said Alexander, thus set at liberty, "salbe enterit and presentit befoir our Soverane Lord and his Secreit Counsale at Striviling upoun the xv day of September nixt to cum, to underly and fulfill all that salbe than found he aucht to do;" and Lord Maxwell and John Irvin are to be informed of this fact, "that thay may gif informatioun," if they choose, "in the said mater of contraversie."

Stirling Castle, 5th September.

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Robertus, Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Computorum Rotulator; Magister Georgius Buchannane.

Abbot of Kilwinning and Earl of Eglinton again.

Although the Earl of Eglintoun alleges that he has recently obtained letters charging the Commendator of Kilwinning, with Murdo Stewart, and other keepers of the steeple of Kilwinning, "to desist and ceise fra all

ta 1577-79. fortifeing or using of the same as ane house of wear" [see *ante*, pp. 1–2, 11, 23], and has since then, upon assurance to the King and Council "that the said Commendatar and Murdo Stewart wald nawyise leif of the fortifeing of the said stepill," obtained other letters charging them to vacate the steeple
Page 59. within 24 hours "under the pane of rebellioun and putting of thame to the horne," and further, "hes or intendis of verray malice, as they ar informit, to purches new letters and put thame to the horne;" nevertheless "it is of veritie," the Commendator asserts, that he, "nother be himself, nor be the said Murdo, nor na utheris in his name, hes at ony tyme fortifeit, haldin or usit the said stepill as ane hous of weare," but, on the contrary, "the said stepill wes and is patent to the use that it wes of befoir," as can be testified by an "autentik instrument taikin in the handis of Gawen Nasmyth, notar publict, and schawin." In consequence of this complaint, charge had been given to the said Hew, Earl of Eglintoun, to have appeared at a certain day bypast, "bringand with him the saidis letters of horning, and executionis thairof, gif ony war," that he might see it determined whether the process of horning contained in them should be suspended. And now, this day, "the said Commendatar compeirand personalie, and the said Erll of Eglintoun compeirand be Johnne Baillie, his procuratour," the Lords of Council do suspend the foresaid letters and process simpliciter; because Robert, Earl of Lennox, has become cautioner for the said Commendator, that he will desist "fra all fortifeing or using of the said stepill as ane house of weare," under the pain of "five hundreth pundis money of this realme to be upliftit *toties quoties* in caise of failzie." The same day, however, the Commendator protests that the finding of the said surety shall "nawyise prejudge" his letters of gift of the said steeple and whole abbacy of Kilwynning.

Sederunt—Domini ut in die predicto. Stirling Castle, 8th September.

This entry, some illegible words and phrases in which are supplied by a subsequent entry of the 23d of September, begins by citing "our Soverane Lordis declaratioun of the lait accord for quieting of the publict trublis within the realme," wherein "it is expreslie providit that his Hienes will call unto him aucht nobill men with avise of his darrest sister and cousine the Quene of England, and be thair gude counsale and assistence will tak ordour for the reconciliatioun of his nobilitie" [see *ante*, p. 22, footnote]. "Aucht nobill men nominat be the King for reconciliatioun of his nobilitie."
Page 60. It goes on to narrate how, in prosecution of this design, his Majesty, both through the English ambassador in Scotland, and also by letters of his own, had endeavoured to get the malcontent Lords, now assembled in Edinburgh, to nominate four noblemen, to be placed by his Majesty "in the nowmer of the aucht," so that all might be ready by the 20th of September, certifying therein that, "gif thay refusit or differit to satisfie his Hienes in his demand, being sa ressonabill," he must proceed by himself, "uncareing langer for thair recommendatioun of ony," and intent only on notifying to the Queen of England, and other Christian princes, and his

own subjects, his anxiety for the peace of his realm. And now, therefore, Acta 1577-79. having hitherto received no satisfaction nor direct answer in this behalf, and finding that delay will be dangerous, his Majesty "hes, be avise of his Secreit Counsale, appointit aucht nobilmen, and in the same nowmer hes acceptit four of the ten nominat be the saidis Lordis thame selffis,[1] of quhais indifference and cairfulnes for the commoun quietnes of the realme his Hienes hes gude opinioun: thay ar to say,—Andro, Erll of Rothes; Robert, Erll of Buchane; Williame, Lord Ruthven, thesaurer of Scotland; Patrik, Lord Lindesay of the Byres; Robert, Lord Boyd; James, Lord Innermeith; James, Lord Ogilwie, and Johnne, Lord Hereis." These "aucht nobilmen" (failing any of whom his Majesty "will cheis utheris in thair places") have been required by special letters to be with his Majesty at Striviling upon the 20th day of September instant, "that be thair gude counsale and assistence sa gude and necessar a work may proceid and be set fordwart, to the plesour of God, his Hienes obedience, and the repose and quietnes of the trublit commounwelth;" and proclamatioun is now directed to be made at "the marcat croces of Edinburgh, Striviling and utheris places neidfull," announcing the same, and giving "warning to all having actionis or greiffis fallin be occasioun of the lait trublis to gif in the samyn befoir his Hienes and the saidis aucht nobilmen."

Stirling, 11th September.

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Allanus, Dominus Cathcart; Commendatarius de Dunfermling; Commendatarius de Cambuskynneth; Computorum Rotulator; Magister Georgius Buchannane.

John Forrest, Provost of Linlithgow, in connection with a late stent of that burgh.

There has been a representation by Johnne Forrest, Provost of Lin- Page 61. lythquow, as follows:—"Alexander Ka, Johnne Adamesoun, baxtar, Johnne Gibbesoun, cordinar, and Williame Park, burges of the said burgh," allege that, "at the speciall desyir of the said Johnne Forrest, being then prouest," they became bound to pay to William, Lord Ruthven, as his Majesty's Treasurer, under the penalty of horning and poinding, the sum of £1000 for the "compositioun of the componitur grantit to the saidis provest, baillies, counsale, and communitie of the said burgh, in the last justice air of Linlithgow," the said Provost, according to the custom in such cautions, becoming bound at the same time "to releif thame of the foirsaid sowme" under the same penalty. They are now suing him for "ane hundreth sextene pundis payit be thame to the said thesaurare as restand awand of the principall sowme foirsaid," and threaten him with horning and poinding, under letters of Council, if he does not pay within ten days. Now it was in no private interest that he had undertaken the responsibility.

[1] The recognised leaders of the insurgent movement were Atholl, Argyle, Montrose, Lord Lindsay of the Byres, Lord Maxwell, Lord Herries, Lord Seton, Lord Livingston, Lord Innermeath, Lord Ogilvy, Hume of Cowdenknowes, and Ker of Cessford; and there had probably been some nomination of ten of these to the English ambassador for the further purposes of treaty after the cessation of arms of the 14th of August, though now the Lords were again holding aloof and indisposed to complete the treaty.

Acta 1577-79. He had done so in his capacity of Provost of Linlithgow, and by the desire of the bailies and council of the burgh. The sum for which he had become cautioner in relief "wes promittit for ane commoun caus concerning the haill inhabitantis of the said burgh," for the expenses of which common cause "the saidis baillies and counsale desirit ane extent roll to be maid and rasit of the saidis inhabitantis." There had been such a stent or taxation of the inhabitants of Linlithgow; and the following were defaulters:— "Patrik Sellare, for the sowme of vi ℔. xiii ß. iiii ₫.; Johnne Knowis, baillie, iii ℔. vi. ß. viii ₫.; Chairlis Drummond, xii ℔.; James Hammiltoun at the West Port, vi ℔. xiii s. iiii ₫.; Thomas Mureheid, v ℔.; George Jamesoun, xl ß.; Johnne Hammiltoun, xx ß.; William Sammell, vi ß. viii ₫.; Edward Fawop, xv ß.; Margaret Bartilmo, relict and universall intromessatrix with the guidis and geir of umquhile Thomas Mak, iiii ℔.; , relict and intromessatrix with the guidis and geir of umquhile Williame Robesoun, xl ß.; James Johnnestoun, xx ß.; Johnne Finlaw iii ℔.; David Bynnie, xxiiii ß.; Matho Hall, l ß.; David Rait, xx. ß.; Jonet Luifferance, relict and intromessatrix with the guidis and geir of umquhill Alexander Roust, v ℔.; George Robesoun, vi ß. viii ₫.; Bryse, relict and intromessatrix with the guidis and geir of umquhile Alexander Roust, xx ß.;
Page 62. Robert Mak, iii ß. iiii ₫.; Williame Marschell, vi ß. viii d.; James Eistoun, vi ß. viii ₫.; Johnne Doncane, tailyeour, xiii ß. iiii ₫.; Robert Johnnestoun, v ℔.; Robert Balderstoun, xx ß.; Johnne Thomsoun, v ℔.; James Gibbesoun, xl ß.; David Gibbesoun, xx ß.; Johnne Reid, wobstar, xx ß.; William Bryse, x ß.; Johnne Taling, xx ß.; James Robesoun, v ℔.; Johnne Fewar, xx ß.; Johnne Finlaw, measoun, xl ß; William Smyth, xx ß.; Allane Hucheoun xx ß.; Alexander Ka, x ℔." These, refusing to pay, had been summoned before the Privy Council to hear it determined that they should "mak payment to the said Johnne Forrest of the haill part of the said extent restand awand be thame, conforme to the said taxt roll, for his releif of the souirte foirsaid, within ten dayis nixt eftir the charge, under the pane of rebellioun," or else to show reasonable cause to the contrary. And now, "the said Johnne Forrest compeirand personalie, quha past fra the persute of the actioun intentit and dependand befoir the Lordis of Sessioun at his instance aganis the saidis personis for payment of the said stent, and the saidis Chairlis Drummond and Patrik Sellare comperand alswa personalie for thame selffis and in name of the utheris personis defendaris abonewrittin," the Lords of Council, after considering reasons, "togidder with twa severall stent rollis maid upoun the inhabitantis of the said burgh," order letters to go forth, "chairging all and sindrie the inhabitantis of the said burgh contenit in the *first* stent roll to mak payment, ilkane of thame respective for thair awin partis, of the sowmes particularlie contenit thairin, and als to charge the saidis Chairlis Drummond, Patrik Sellare, Alexander Ka, Johnne Knowis, and James Hammiltoun, to mak payment ilkane of thame respective for thair awin part of the sowmes contenit in the *last* stent roll, off the dait the xxv day of Marche, the yeir of God j^{m}v^{c}lxxvii yeiris,—that is to say, the said Chairlis Drummond xii ℔., Patrik Sellare vi ℔. xiii ß.

iiii đ., Alexander Ka xx ℔., Johnne Knowis iii ℔. vi ʃ. viii đ., and the said James Hammiltoun sex pundis xiii ʃ. iiii đ.,—to the said Johnne Forrest or sic utheris as salbe depute be him collectour for inbringing of the samyn, within xxiiii houris nixt eftir thay and the saidis inhabitantis salbe chairgit thairto, under the pane of rebellioun and putting of thame to the horne." Further, the Lords of Council "dischairgis the said last stent roll of the dait abonewrittin, and, in cais ony sowmes of money be ellis takin be the said Johnne Forrest or utheris in his name be vertew thairof, except fra the saidis Chairlis Drummond, Patrik Sellare, Alexander Ka, Johnne Knowis, and James Hammiltoun, as is abonewrittin, ordanis him to rander and deliver the samyn agane to the personis quhatsumevir fra quhom it wes ressavit, except befoir exceptit." Still further, "becaus be the payment maid and to be maid be the saidis Johnne Forrest, Alexander Ka, Patrik Sellar, Johnne Knowis, and James Hammiltoun, of the sowmes respective abonewrittin for thair partis, eeikand thairto twentie pundis for the said Johnne Forrest, thair will be foure scoir twelf pundis mair nor the principall sowme of ane thowsand pundis abonementionat," the Lords ordain "threttie thre pundis vi ʃ. viii đ. to be deducit and payit to the officiaris, clerkis and collectouris appointit for inbringing of the said taxatioun, of the first and reddiest of the said sowme of fourescoir twelf pundis, and the rest, extending to fiftie aucht pundis xiii ʃ. iiii d., to be deliverit to the [present] provest, baillies and counsale of the said burgh to the effect underwrittin; and to charge the said Johnne Forrest to mak payment thairof to the saidis provest and baillies and counsale within xxiiii houris nixt eftir he be chairgit thairto, under the pane of rebellioun and putting of him to the horne." Finally, this "sowme of lviii ℔. xiii ʃ. iiii đ. being deliverit to the saidis provest, baillies and counsale, as said is," they are ordered "thaireftir to nominat certane personis to try quhilkis of the personis contenit in the said first stent roll thay find maist indigent," and to distribute the sum among these at their discretion.

Acta 1577–79. Page 63.

Stirling Castle, 15th September

Sederunt—Jacobus, Comes de Mortoun; Alexander, Comes de Glencarne; Robertus, Comes de Lennox; Joannes, Comes de Mar; Hugo, Comes de Eglintoun; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Borthuik; Allanus, Dominus Cathcart; Commendatarius de Dunfermling; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Clericus Registri; Clericus Justiciarie Computorum Rotulator.[1]

[1] Two persons are present in this sederunt of whose election to the present Council there is no record, viz., the Earl of Mar and Lord Borthwick. They may have been brought in by Morton under that clause of the recent Act of Parliament at Stirling, of July 25, which provided that, if any of the persons elected to the Council by that Act should refuse or delay to accept the charge, then the King and the rest of the Council might "elect and cheis utheris in thair place" (see *ante*, p. 14, footnote). The Earls of Atholl, Argyle, and Eglinton, appointed of the Council by that Act, had not yet taken their places; neither had the Earl of Montrose and Lord Lindsay, specially added to the Council

Acta 1577–79. Page 64. John Maitland, formerly Commendator of Coldinghame, is relieved from "his warde appointit to him within the sheriffdomes of Air, Renfrew, barony and baillierie of Glasgw," and has licence to resort to any part of the realm at his pleasure; his cautioners and sureties, "George Craufurd of Lefnores, Frances Dowglas of Borg, Johnne Edmestoun of that Ilk, and Johnne Cokburne of that Ilk," are discharged from their responsibility; and none of the lieges are to be in future troubled "for resetting, suppleing, supporting, and helping of the said Johnne," notwithstanding the "sentence of forfaltour" led against him.[1]

John Maitland relieved from his ward.

Sederunt—Domini ut in die predicto.

Stirling, 16th September.

"The Kingis Majestie and Lordis of [his] Hienes Privie Counsale, calling to mynd how the thriddis of the benefices within this realme war first assumit and uptaikin for the sustentatioun of the ministrie, and to support the Prince to interteny and set fordwart the commoun effairis of the cuntrie, and thaireftir be Act of Parliament it was providit that the haill thriddis of the haill benefices within this realme suld be first payit to the ministeris of ewangell and thair successouris, providing alwyise that the collectouris of the saidis ministeris sould mak compt yeirlie in the chekker of thair intromissioun, swa that, the ministeris being first payit of thair stependis appertening to everie ane of thame, the rest and superplus suld be employit to our Soverane Lordis use. Quhilk ordour continewit quhill, certane abusis and corruptionis being considderit and espyit in the collectouris for the tyme, upoun the sute of the ministeris certane assignationis wes maid unto thame of thair levingis and stependis in the places maist ewest and commodius to thair residence, it being alwyise meanit and intendit that, quhen God suld raise up ma qualifiit

Revocation of pensions granted out of the superplus of the Thirds of Benefices.

after the Treaty of Reconciliation between Morton's party and Atholl's on the 15th of August (see *ante*, p. 22, footnote); and, as these five might be regarded as still standing out, and refusing or delaying, there were five places vacant. But Lord Borthwick was hardly a man to be made a Privy Councillor; and his appearance in this and in a following sederunt may have been owing to the fact that he was now attending the Council in a private matter. Indeed, appearance in a sederunt of the Council does not seem always necessarily to imply that the person was a Privy Councillor.

[1] This is an important entry. John Maitland, younger son of Sir Richard Maitland of Lethington, and brother of the famous Secretary, William Maitland of Lethington, had been not only Prior of Coldingham, but also of the Privy Council and Keeper of the Privy Seal, in 1567 and for some time afterwards. Having, however, joined his brother Lethington in the movement of 1570 for the restoration of Queen Mary, he had been among the condemned heads of the Queen's party for that civil war, and had lost his Priory and the Privy Seal in 1571, in which latter office he was succeeded by George Buchanan. He had been among those who held out for Queen Mary to the last in the Castle of Edinburgh, defended by Kirkaldy of Grange; and, after the surrender of the Castle in August 1573, he had been among the prisoners taken. While Kirkaldy was sent to the scaffold, and Lethington escaped the same fate by suicide, the ex-prior of Coldingham was permitted to live on, a disabled and suspected man, through Morton's regency. The caution for him referred to in the present entry had been given on the 12th of February 1573–4 (see vol. ii. p. 334), where it appears that the sum was £10,000. A free man from the present date, Maitland was to rise into power again, and play an important part henceforward.

personis, they sould be plantit in the places found convenient for thame, Acta 1577–79.
and competent and sufficient levingis and stependis modifiit, appointit and assignit to thame, and, quhatevir sould be assignit in the saidis stependis, that the collectour generall of the superplus sould alluterlie desist fra forder craving, intromissioun or uptaking of the same of ony termes efter the said assignatioun. And, albeit the superplus of the saidis thriddis, attour the ordinar assignationis of the stependis of the ministre contenit in the yeirlie buke of the modificatioun, aucht to serve for the stipendis of sic qualifiit personis as God sall raise up frome tyme to tyme worthie to be admittit in the functioun of the ministrie, and to support the Prince to interteny and set fordwart the publict effairis of the cuntrie, nevirtheles, throw the importune sutis of sindrie personis mair respecting thair awin particular proffeit then ayther the sustentatioun of the ministrie or the honorabill estait of his Majestie and commoun weill of this realme, His Majestie, be advise of his Regentis in his minoritie, and partlie be himself sen he acceptit the governament of his realme in his awin persoun, hes bene movit to mak dispositionis of the said super- Page 65.
plus in pensioun, or to discharge and gif the samyn fre to sum personis; quhairthrow thair remanis little or nathing undisponit, other to be modifiit, appointit, and assignit levingis and stependis to sic qualifiit personis as God sall raise up heireftir meit to entir in the functioun of the ministrie, or to supplie the publict and neidfull effairis of his Hienes estait. Quhilk being diligentlie and with gude deliberatioun avisit upoun be his Majestie and be the Lordis of his Privie Counsale, it is fund be thame that the said superplus of the saidis thriddis of benefices, being gevin, assignit and taikin in his Majesteis handis for the caussis and effectis befoir specifiit, aucht not nor mycht not be disponit or gevin utherwyise, bot appliit to the same use and effectis that thay war dedicat unto at the begynning. And thairfoir his Majestie, be advise of his said Counsale, be thir presentis revokis, rescindis, cassis, annullis, and dischargis all the saidis giftis and dispositionis of the saidis thriddis of benefices in pensioun or frelie dischairgit as said is, declairand and decernand the same to be null, invalid, and of nane avail, force nor effect, in tyme cuming, and ordanis Adame, Commendatar of Cambuskynneth, now collectour generall of the said superplus constitute be his Hienes, to ask, crave, ressave, intromet, and uptak the said haill superplus to the use and effect befoir writtin, off the crop and yeir of God j^{m}v^{c} thre scoir auchtene yeiris present, and in tyme cuming, without respect of ony gift of pensioun or fre discharge of ony part of the said superplus in tyme cuming preceding the dait heirof; and that letters be direct to officiaris of armes, shereffis in that part, to mak publicatioun and intimatioun heirof be oppin proclamatioun at the marcat croces of the heid burrowis of this realme and utheris places neidfull, that nane pretend ignorance of the same, inhibiting all and sindrie his Hienes liegis, that nane of thame tak upoun hand to answer, obey, or mak payment of the said superplus or ony part thairof to ony persoun or personis clamand the samin be ony

Acta 1577–79. gift in pensioun or frelie dischairgit as said is, bot to answer the said Collectour Generall and his deputis thairof, nochtwithstanding ony giftis, decreittis or letters, obtanit thairupon in tyme bigane."[1]

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Borthuik; Allanus, Dominus Cathcart; Episcopus Moraviensis; Commendatarius de Dunfermling; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Magister Georgius Buchannane; Magister Jacobus Haliebartoun, Prepositus de Dundie.[2] Stirling Castle, 18th September.

In pursuance of "ane Act of Parliament laitlie maid at Striviling Castell upon the [25th] day of Julii last bipast," giving powers to "the Lordis of his Hienes Privie Counsale than electit, and to the officiars adjonit to thame," to arrange for the issue of a new silver penny, their regulations on the subject "to have the strenth of ane Act of Parliament" [Acts of Parl. 1578, iii. 108], the said Lords of Council, "considdering how not onlie necessar it is that the said sylvir penny be strukin and cuinyeit, but als Page 66. ane penny or pece of gold of ressonabill wecht and fynes," have "concludit, statute and ordanit that thair salbe ane penny or pece of gold prentit and cunyeit of twentie ane carret fyne, and the same to have cours and passage for Order for the coining of a new gold piece, to be called the Scots Crown, and a new silver penny, with other Mint orders.

[1] The phrases "Thirds of the Benefices" and "Superplus of the Thirds of the Benefices" were very important phrases of that time. They referred to the original Endowment Acts of the Reformed Church of Scotland, of December 22, 1561, and February 15, 1561–2 (see them in vol. i. of this Register, pp. 192–194 and 201–203). By these Acts, one-third of the total revenues of the old Roman Catholic Church, as these were to be ascertained by strict returns required from all Archbishops, Bishops, Abbots, Commendators and Priors, Deans, Archdeacons, Subdeans, Chanters, Subchanters, Provosts, Parsons, Vicars, &c., of the rentals of their respective benefices, was to be constituted into a fund for the sustentation of the Protestant ministers throughout the realm, and for aiding the Crown "to entertein and sett fordwart the commune effaris of the cuntrie;" while the other two-thirds were to remain in the hands of "the auld possessouris," viz., of all those holding benefices, whether as ecclesiastics proper or as laymen settled in them by use and wont, and whether converts to Protestantism or still adhering to the old faith. This arrangement, far more satisfactory to the nobles, whether Protestant or Roman Catholic, and to the disestablished prelates and beneficed men of the old Church, than to the new Protestant clergy, had been confirmed several times since, with modifications and additions. There had been incessant difficulties, however, *first*, in realising the full Thirds from the "auld possessouris" and their deputies, heirs, and assigns, and, *secondly*, in apportioning the Thirds, such as they turned out to be, between the two rather conflicting purposes of the sustentation of the Protestant ministry and the commodity of the royal household. Nominally, the first purpose was to have the preference, and only the *superplus* of the Thirds, after paying the stipends of the existing clergy, and also providing for the extension of the ministry into destitute parts, was to be used by the Crown; but, in fact, there had been great confusion, and the ministry had received but a pittance. The confusion had been complicated, as the present order shows, by gifts by the Crown to private persons out of "the Thirds" or "the superplus of the Thirds."

[2] Two more persons in the sederunt of this meeting of whose election to the present Council there is no record, viz., the Bishop of Moray and the Provost of Dundee. But see *ante*, p. 6, and p. 18.

fourtie schillingis money of this realme, contenand ten in the unce and to be callit the Scottis Croun, havand on the ane syde the croun, scepter, and suerd, makand in the middis the forme of Sanctandrais croce, and on the ane syde of the croce the ane half of the dait of the yeir in this forme 15, and on the uther syde the uther half of the dait of the yeir in this forme 78, with the circumscriptioun *Hactenus invicta miserunt*, and on the uther syde of the pece in the middis thairof ane I and ane R laissit, with the figoure of 6 under thame, and writtin about *Ad te centum et quinque proavi.* And siclyke that thair be prentit and cunyeit ane penny of sylvir of the fynes of ellevin deneiris in haill and half pecis: the haill pece to have cours and passage for twentie sex schillingis aucht pennyis, weyand sevintene deneiris and ellevin granys, and to be callit the twa merk pece; the half pece to have course for threttene schillingis foure pennyis, and to be callit the merk pece: the said haill pece havand on the ane syde ane thrissell, with ane I on the ane side of the thrissell and ane R on the uther syde of the thrissell, with the circumscriptioun *Nemo me impune lacesset*, and on the uther syde of the said penny the Kingis armes and this circumscriptioun, *Jacobus* 6 *Dei gratia rex Scottorum;* the merk pece beirand the lyke prent, wecht, and fines in all thingis pro rata." Proclamation is to be made, charging all the lieges "to ressave the said gold and money in reddy and thankfull payment, and on na wyise to presume or tak upoun hand to refuise the samyn," under pain of treason; and also "to certifie all his Majesteis liegis of the prices of gold and sylvir to be brocht in to his Hienes cunyehous: that is to say, the unce of utter fyne of gold to be bocht for twentie pundis money, and all uther gold of quhatsumevir fynes to be aggreeabill in price according to the fynes (the inlaik of courser gold nor is appointit to be cunyeit being modifiit), and the unce of utter fyne of sylvir to be bocht for xxxiiii ß. money, and all uther sylvir of quhatsumevir fynes to be aggreabill in price according to the fynes (the inlaik of courser sylvir nor is appointit to be cunyeit being lykwyise modifiit); and that it salbe lesum to all his Majesteis subjectis to inbring to our Soverane Lordis cunyehous and deliver to his Hienes maister cunyeour all sortis of gold and sylvir, ayther in plat werk or cunyie, upoun the prices abovespecifiit." Order is moreover given to the various officers of the cunyiehouse present and to come, "ilkane in thair awin offices, to do thair diligence in melting, forgeing, and prenting of the saidis pecis of gold and sylvir;" and it is ruled that this order "induir quhill the nixt Parliament, appointit to be haldin the fifth day of Marche nixt to cum." Acta 1577-79.

None to refuse the new stamped silver.

Recites the former order of Council and proclamation commanding all "havars in thair handis of threttie, twentie, and ten schilling pecis, with the testanis," to bring or send the same to the King's "maister cunyeour" by "the first day of Marche nixt to cum," at certain specified prices, for the clipping down of the counterfeit and adulterate, and the reissue of the good, marked with 'a crownit thrissel,' for circulation at raised prices [see

a 1577-79. *ante*, p. 17]; and proceeds to relate that, although a great number of the marked pieces have been so reissued, "nochtwithstanding thair is diverse his Hienes liegis quhilkis makis sum difficultie to ressave the same pecis, expres contrair the tennour of the said proclamatioun." To remedy this, new general proclamation is ordered, charging the lieges "that nane of thame tak upoun hand to refuis the foirsaidis pecis markit upoun the prices abonewrittin," and this "under the pane of deid and confiscatioun of all thair guidis movabill to his Hienes use."

Cunningham of Glengarnock, against Hamilton of Stonehouse.

Johnne Cunninghame of Glengarnok complains that, whereas "Gawen Ellot, sone to Scottis Hob," has been in his keeping as a "pledge" for "thir thre yeiris bigane or thairby," and whereas his Majesty, "being willing to releif him of the said pledge," had directed his royal letter to Johnne Hammiltoun of Stanehous, requiring him to receive the said "pledge" from the said Cunninghame, "and keip him quhill he war relevit," yet, "the said Gawen being deliverit to the said Johnne Hammiltoun in his awin hous, eftir reding of the same letter, he schot the said Gawen to his yet, with the said Johnne Cunninghames servandis that accumpanyit him, and kaist furth the said letter, in hie contemptioun of our Soverane Lord and his auctoritie." For this Hammiltoun had been summoned to appear before his Majesty and the Council "under pane of rebellioun;" and now, "the said Johnne Cunninghame compeirand be Paull Cunninghame his procuratour, and the said Johnne Hammiltoun compeirand personalie," the Lords "ordanis the said Johnne Hammiltoun to ressave the said Gawen Ellot in his custodie and keiping, and on nawyise to suffer him to eschaip, eschew or pas hame, upoun band, obligatioun, or ony uther conditioun, without express warrand frome our Soverane Lord, under the pane of twa thowsand pundis."

Page 68. Caution in £2000 by Johnne Johnnestoun of that Ilk, that he will present Alexander Carlile before the King and Council, upon fifteen days' warning, to answer any charges [see *ante*, p. 24].

Stirling Castle, 19th September.

Act of caution.

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Herreis;[1] Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Magister Georgius Buchanenane.

Stirling Castle, 23rd September.

Recitation of the King's "Declaration of the lait accord for quieting of the publict trublis within this realme, procurit at the ernist travellis of his Hienes darrest sister the Quene of England be hir ambassadour resident

"Continewatioun of the convenyng of the aucht nobill men."

[1] We do not hear of any formal election of Lord Herries to the present Privy Council; but he may have been brought in exceptionally, as others had been (*ante*, p. 28 and p. 29, footnotes). He had been one of the Lords of the Atholl faction recently in arms against Morton's premiership (*ante*, pp. 14, 26, footnote); and his accession to the Council now is a sign that the formal Reconciliation of Aug. 15 was beginning to take effect.

with his Majestie," wherein it had been expressly provided "that his Majestie sall call unto him aucht nobill men with avise of his said darrest suster, and be thair gude counsale and assistence tak ordour for the reconsiliatioun of his nobilitie" [see *ante*, p. 22, footnote]. Recitation also, at some length, and in nearly the same words as in the former order of September 8 [*ante*, p. 25], of the difficulties his Majesty had encountered in trying to carry out the arrangement, and of the fact that he had done his best in the end by nominating a certain eight (four of them elected from ten nominated by the malcontent Lords in Edinburgh),—to wit, "Andro, Erll of Rothes; Robert, Erll of Buchane; Williame, Lord Ruthven; thesaurer of Scotland; Patrik, Lord Lindesay of the Byris; Robert, Lord Boyd; James, Lord Innermeith; James, Lord Ogilwie; and Johnne, Lord Hereis,"—and by summoning these "aucht nobill men" to meet him at Striviling on the 20th of September instant, that they might enter on their great task. The entry then proceeds:—"And, becaus the haill aucht nobill men writtin for be his Majestie convenit not at Striviling the said xx day of September, throw the schortnes of the warning or utheris impedimentis, his Majestie thairfoir, be avise of thame quhilkis convenit [Ruthven, Boyd, and Herries, three of the present sederunt], and utheris of his Privie Counsale present with his Hienes for the tyme, continewit the dyet to the xx day of October nixt to cum." Proclamation to that effect is now therefore directed to be made at the "marcat croces of Edinburgh, Perth, Striviling, Glasgow, Dumbartane, Air, and utheris places neidfull," warning "all having actionis and greiffis fallin be occasioun of thir lait trublis to gif in the same befoir his Majestie and the saidis aucht nobill men at the Castell of Striviling upoun the said xx day of October," and "certifeing thame that failyeis his Majestie, with avise foirsaid, will proceid at the said day as of ressoun and equitie appertenis." Acta 1577–79. Page 69.

Stirling Castle, 24th September.

Sederunt—Domini ut in die predicto.

Lady Borthwick against Lord Borthwick, her husband.

Complaint of Dame Grissell Scot, Lady Borthuik, as follows:—"Scho, being lauchfullie mareit with Williame, Lord Borthuik, hir spous, continewit with him in the mutuall societie and band of matrimony this lang tyme bipast, having borne unto him in the menetyme sevin bairnis yit on life. Nochtwithstanding, he, being instigat be Sathan, not onlie abstractit his cumpany and societie fra hir, bot als delt verray unkyndlie with hir, in geving hir mony injurious wordis, stryking and dinging of hir to the effusioun of hir blude in greit quantitie, without feir of God, petie or compassioun of hir estait, being than greit with chyld; quhairthrow at last, for feir of hir life, scho wes constrynit to withdraw hirself fra his cumpany, lyke as scho hes remanit fra him now be the space of half ane yeir with hir freindis upoun thair expenssis; during all the quhilk tyme baith his and hir freindis travellit be all gentill meanis to have perswadit him to the acknawlegeing of his offence, and for his adherence and intertenyment of hir in tyme cuming as become him." He had continued obstinate, and she had been forced to apply to the Council. Accordingly,

ta 1577-79. Lord Borthwick had been summoned to appear before the King and Council [*ante* pp. 28, 29, footnote] to see order taken for his adhering to his wife, or at least making her a suitable provision. "Upoun the xvi day of September instant, baith the saidis parteis compeirand personalie, thair wes assignit to the said Lord this day, viz., the xxiiii day of September
Page 70. instant, to produce a just rentall of his haill leving, and to mak ane offer of sum portioun thairof" for his wife's maintenance during the dependence of an action she had begun against him before the commissaries of Edinburgh. Now, accordingly, "compeirit personalie Robert Chirnside, procuratour for the said Lord, and in his name producit ane rentale of his leving; quhilk, with ane uther rentaile of the same leving schawin and gevin in be the said Dame Grissell, being red and sene, and the differencis of thame considderit," the King and Council, "having respect to the honour and estaitte of the said Lord," and also due pity for the said Dame Grissell, the mother of his children, in her present estate, ordain letters "to be direct to officiaris of armes, shereffis in that part, charging the said Lord to mak payment to the said Dame Grissel of the sowme of threttie schillingis dalie sen the first intenting of the said actioun befoir the saidis Commissaris (quhilk wes upoun the xxvi day of Julii last bipast), and siclyke the said sowme of threttie schillingis dalie in tyme cuming during the tyme of the dependence of the said actioun and quhill the finall end and decisioun thairof." Lord Borthwick is to obey within fifteen days after being charged, "under the pane of rebellioun and putting of him to the horne."

James Crichton against Lord Seton.

Complaint by "James Creychtoun, sone to Maister James Creychtoun of Cranstounriddell, and his said fader as lauchfull administratour to him for his interes," as follows:—Although Creychtoun has been legally "takisman of the teindschevis of the landis of Tranent," and had "causit use inhibitioun upoun the possessouris of the saidis landis for this present crope and yeir of God," yet, on the 15th of September instant, George, Lord Seytoun, "accumpaneit with his servandis and utheris," had violently "stoppit the said James Creychtoun and his servandis in his name to leid and intromet with the saidis teindis," giving them "mony injurious wordis, sumquhat in contempt of our Soverane Lord, saying this yeir wes his." Lord Seytoun
Page 71. "hes alreddy led and intromettit with a part thairof, and is presentlie uptakand the rest," and Creychtoun is powerless against him "be ressoun he is a greit man, regairding na thing the ordinar forme of justice." The usual summons had gone out to Lord Seytoun to appear before the Council and answer the complaint under pain of rebellion and horning; and now, "the said James Creychtoun compeirand personalie, with Maister Henrie Balfour his prelocutour, and the said George Lord Seytoun being oftymes callit and not compeirand," the Lords direct letters to officers of arms "to pas and denunce the said George Lord Seytoun to our Soverane Lordis horne and to escheit," etc.

Representation by Adame, Commendator of Cambuskynneth, to the effect

New order respecting pensions out of the superplus of the Thirds.

that, although revocation has been lately made by the King of "feis and pensionis gevin furth of the superplus of the thriddis of benefices within this realme" until due provision should be taken from that superplus "for furnissing and sustentatioun of his Majesteis hous" [see *ante*, p. 31], and although it is still uncertain "how meikill of the said superplus is necessar" for that purpose, yet his Highness has been "inoportunlie preissit be the sutis of diverse personis to mak dispositionis of the said superplus baith in money and victuall," and in some cases to assign payment in victual "far within the just availl and price" in lieu of payment in money. The prayer of the Commendator, as officially the Collector-General of the superplus, is "that na pensionis be disponit in tyme cuming quhill first provisioun be maid for his Majesteis hous," or "at leist, gif ony pensionis sould be grantit, that the samyn be disponit in money and not in victuall." It is now, accordingly, "concludit, statute, and ordanit that na pensionis of victuall be gevin in tyme cuming furth of the said superplus, bot that all giftis to be gevin be direct to the said generall collectour," who is to pay the sums in money or in victual, as he thinks good. Acta 1577–79.

Stirling Castle, 28th September.

Sederunt—REX; Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Episcopus Glasguensis;[1] Episcopus Moraviensis; Commendatarius de Dunfermling; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Magister Georgius Buchannane. Page 72.

Prescript for the election of Magistrates of Edinburgh for the coming year.

As the time for the election of magistrates of burghs is near, the King, by advice of his Council, had directed missive letters to "the provest, baillies, counsale, and dekynnis of craftis of the burgh of Edinburgh, anent the chesing sic magistrattis for the yeir to cum as his Hienes tuke to be maist efficient to his service and to contene the said burgh at the obeydience and command of his Hienes self." The reply, on the 10th of September, had been most satisfactory. It had informed his Highness of the order of proceeding in the election of the magistrates of Edinburgh "at certain appointit dayis quhilkis than war not cum," and had promised that, after the leets had been chosen, "the haill names sould be send to his Majestie," and that "alwyise, quhat his Majestie wald thame to do in that and all uther thingis, they suld be fund obedient subjectis." The "saidis letis" having now arrived, his Majesty, with advice of his Council, "hes thocht and thinkis the personis eftirspecifiit meittest to be provest, baillies, counsale, and publict officiaris of the same burgh the said yeir nixt to cum: that is to say, Alexander Clerk, burges of the said burgh, provest; Johnne Robertsoun, Andro Sclater, Johnne Arnot, and Maister Michaell Cheesholme, baillies; Louke Wilsoun to be continewit, or electit

[1] The appearance in the sederunt of James Boyd, Bishop of Glasgow, seems another irregularity (*ante*, p. 28, and p. 29, footnotes).

cta 1577-79. of new, dene of gild; James Ross to be continewit, or electit of new, thesaurar; Maister Johnne Prestoun, Johnne Johnnestoun, broder to the Lard of Elphingstoun, Thomas Waus in place of David Williamesoun, Robert Cunninghame in place of Johnne Robertsoun, Adame Craig, goldsmyth, and James Inglis, skynnar, in place of Thomas Aikanheid, for the new counsale." Missive letters are therefore to be directed to "the new and auld counsale, and dekynnis of craftis, of the said burgh" for choosing the persons so nominated; but, "in cais of thair refuise or delay," then, "that the said burgh sall not be destitute of ordinar magistrattis nor yit his Hienes directioun frustrat," another plan is to be adopted. In that case "the saidis *auld* Counsale of this said burgh, with the saidis dekynnis of craftis thairof," are to be directed to meet on the last day of September, and elect the six persons last designated in the above list to be "of the *new* Counsale, removing the saidis David Williamsoun and Thomas Aikinheid thairfra;" and, the new Council being thus formed, then "the saidis *auld* Counsale and *new*, and the saidis dekynnis of craftis," are conjointly to convene and elect the other persons above designated to be the provost,
Page 73. the four bailies, the dean of guild, and the treasurer, "within thre houris nixt eftir thay be chairgit thairto, under the pane of rebellioun and putting of thame to the horne." The persons so "nominat to be electit" are to "accept the saidis offices within the lyke space of thre houris under the said pane;" charge is to be given to "the marchandis, craftismen and haill inhabitantis of the said burgh to reverence and obey thame during the said nixt yeir as thair lauchfull magistrattis;" and during that year the provost and bailies are not to "presume or tak upoun hand to depart furth of this realme" without special licence.

Sederunt—Rex; Jacobus, Comes de Mortoun; Robertus, Comes de Buchane; Joannes, Comes de Mar; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth; Magister Georgius Buchannane. Stirling Castle, 29th September.

John McClean against his father, Murdo McLean of Lochbowie.

Complaint of John M°Clane, son and heir apparent of Murdo M°Clane of Lochbowie, as follows:—In April 1577 "his said fader, upoun quhat occasioun he knawis not, causit twa of his brether, with ane greit cumpany of his awin men, cum to the said Johnnis hous of Pencowen, and thair spuilyeit and awaytuke fra him his haill guidis, insycht and plenissing, and careit the same with thame to the said Murdois house." On the 14th of the following May "the said Murdo send ane of his awin servandis to the said Johnnis hous, desiring him to cum and speik with his said fader," upon sure promise of personal safety and the restoration of his goods; "quhairupoun the said Johnne, as his dewitie aucht to his said fader, come to his hous of Lochbowie;" but the consequence was that, after living two days there in good faith, "he wes maist cruellie taikin be his said fader and layit in prissoun in the irnis in the hous of Lochbowie, quhair he detenis him yit captive, and on nawyise will let him to libertie, bot schoris that he sall hald him thair quhill he dee."—The said Murdo had been

summoned before the King and Council to exhibit the said Johnne and have the case heard, under pain of rebellion and horning; and now, "the said Murdo M^cClayne not comperand, nor yit the said Johnne M^cClane his sone being exhibitit," letters are to go out "to denunce the said Murdo our Soverane Lordis rebell, and put him to the horne, and to escheit," etc. Acta 1577–79. Page 74.

Stirling Castle, 11th October.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Robertus, Comes de Buchane; Robertus, Dominus Boyd; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Magister Georgius Buchannane; Computorum Rotulator.

Order for three armed levies of the lieges to meet on the Borders.

In consequence of "the present trublit estait of the Bordouris, tending als wele to the danger of the publict peace standing betwix his Hienes and his darrest suster the Quene of England as to the utter heirschip and oppressioun of diverse cuntreis laitlie wele plennissit be his Hienes gude subjectis," there are the following orders:—(1) Proclamation to be made at "the marcat croces of the burrowis of Striviling, Dumbartane, Renfrew, Lanark, Air, Wigtoun, Kirkcuthbrycht, and Drumfreis, and utheris places neidfull," charging "all and sundrie his Hienes liegis betwix threscoir and sextene yeiris, and utheris fensibill persones, alsweill dwelland to burgh as to land, within regalitie as ryaltie, within the boundis of the sherefdomes of Striviling, Clakmannane, Dumbartane, Renfrew, Lanerk, Wigtoun, Air, and Drumfreis, stewartreis of Kirkcuthbrycht and Annanderdaill, and baillieris of Kyle, Carrik and Cunninghame," to address themselves, "wele bodin in feir of weir," and "with twentye dayis provisioun," to "meit our Soverane Lordis lieutenant at Drumfreis upon the fourt day of November nixt to cum, and fra thin furth to attend upoun his Hienes service at the directioun of the said lieutenent as thay salbe commandit, for persute and invasioun of the saidis thevis and peace brekaris," under pain of "tinsell of life, landis, and gudis." (2) Letters to go out "chairging all his Hienes liegis of the age and conditioun abonewrittin within the boundis of the sherefdomes of Edinburgh principall, within the constabularie of Hadingtoun, Linlythquow, Berwik, Roxburgh, Selkirk, Perth, Fyffe, Kinross, Forfar and Kincardin," to meet his Majesty's Lieutenant at Jedburgh on the same 4th of November, similarly armed and provided, under the same pain. (3) Letters to be similarly directed "chairging all his Hienes liegis of the same age and conditioun within the boundis of the sherefdomes of Abirdene, Bamff, Elgin, Fores, Nairne, and Invernes," to address them, similarly armed, and "with provisioun for the space of *ane moneth*," to meet his Majesty's lieutenant at Peblis on the 1st of December, "under the pane of befoir expremit." All are to appear on the appointed days and to tarry for the full space appointed.[1] Page 75.

[1] The person selected to be the King's lieutenant in the new enterprise for reducing the Borders to obedience is not named in this entry; but he was William, Lord Ruthven. For a month or two henceforth there will be traces of special attention to the state of the Borders in consequence of his zeal in the lieutenancy.

cta 1577-79.

Sederunt—Robertus, Comes de Buchane; Robertus, Dominus Boyd; Computorum Rotulator; Commendatarius de Cambuskynneth; Magister Georgius Buchannane. Stirling Castle, 13th October.

Complaint by David Kay in Carraill, as follows:—He had "brocht into Leith threttie five bollis of benis, to have sauld the same, bot, finding himself seik, wes compellit to draw hame to his hous, leving behind him Johnne Kyle, indwellar of Leith, to sell the saidis benis in his absence." But, on the 18th of July last, Archibald Stewart, then provost of Edinburgh, "come to the said Johnne Kile, and maisterfullie tuke fra him the key of the sellar quhair the saidis benis lay, and sauld and disponit upoun the samyn at his plesour, to the complineris utter heirschip, being ane pure man of foure scoir yeiris and his wyfe of the same aige, and having xii bairnis to sustene upoun the advantage of the said victuall, having wairit thair haill pak thairupoun." The said Archibald Stewart had been summoned, in the usual terms, to appear before the Council this day to answer the complaint. And now " Kay, sone to the said David Kay, compeirand, as he alledgit, in name of his said fader, without ony procuratorie, and the said Archibald Stewart compeirand personalie, with Maister Edward Hay his prelocutour," there was a protest by the latter that he ought not to be held to answer in the absence of a pursuing party, with an answer nevertheless "that the mater wes civile." Accordingly, the Lords "remittis the said mater to be persewit and decydit befoir the Judge Ordinar." David Kay against Archibald Stewart, late Provost of Edinburgh.

Sederunt—Archibaldus, Comes Angusie; Robertus, Comes de Buchane; Robertus, Dominus Boyd; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth. Stirling Castle, 14th October.

Complaint by Robert Scot of Thirlstane, and by Johnne Johnnestoun of that Ilk, Thomas Turnbull of Beddroule, James Gledstanis of Coklaw, curators to the said Robert, and Margaret Scot, relict of the late Robert
Page 76. of Thirlstane, mother of the said Robert, against Sym Scot of Wintirburch, as follows:—On a certain day in August last, Sym Scot, "be himself, his servandis and complices," seized and "awaytuke fra the said Robert Scot twa hors furth of his landis of Thirlstane." Also he has harassed the said Robert's tenants and laid their lands waste; and on the 19th of September he had paid a second visit to Thirlstane, with diverse others, "in feir of weir," and committed a fresh outrage by entering "masterfullie and and perforce" into possession of the house there belonging to the said Robert, "quhilk place, with the haill guidis and geir pertening to him and his said moder, the said Sym detenis and withhaldis thame as yit." There had been the usual charge to Sym, either to make reparation within 48 hours "under the pane of rebellioun and putting of him to the horne," or else to appear before the Council and show cause to the contrary; and now, the case being called, and "the said Robert Scot of Thirlstane and Scott of Thirlstane and others against Sim Scott of Winterburgh.

his moder compeirand personalie, with Maister Henrie M°Calyeane thair prelocutour, and als the said Maister Henrie, as procuratour specialie constitute be the said Robert," and "the said Sym Scot alsua compeirand personalie," the Lords, after deliberatioun, "ordanis letters to be direct, chargeing the said Sym to restoir the said house of Thirlstane to the said Robert and his saidis curatouris for thair interes within thre dayis nixt eftir the charge, under the pane of rebellioun and putting of him to the horne," with the usual certification if he fail. Acta 1577–79.

Livingston of Dunipace against Fleming of Biggar and Stark of Dillatour.

Complaint by Johnne Levingstoun of Donypace, younger, that, whereas by letters under his Majesty's signet, of date the 29th of July last, he had been "constitute his Majesteis chalmerlane, factour, and baillie of the landis of Enzie, Ouchtirmany, Thankertoun, and Biggar," with some exceptions, "and lykwyise kepar of the place and fortilice of Cummernauld" which formerly "pertenit to umquhile Johnne, sumtyme Lord Flemying," but had come back into his Majesty's lands "throw the proces and dome of forfaltour ordourlie led aganis the said Lord," yet "Flemyng of Biggar, Williame Stark of Dillatour, and utheris, keparis of the said place and fortilice, will not rander and deliver the same to the said Johnne Levingstoun." There had been summons, in usual form, to Fleming and Stark to render the same within 24 hours or appear before the Council and show cause to the contrary, under the usual pain; and now, "the said Johnne Levingstoun of Donypace compeirand personalie and the saidis Flemyng and Williame Stark not comperand," letters are ordered "to be direct simpliciter" to put them to the horn. Page 77.

Stirling Castle, 16th October.

Sederunt—Archibaldus, Comes Angusie; Robertus, Comes de Lennox; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Magister Georgius Buchannane.

John Beck against Lord Maxwell.

Complaint by Johnne Bek, "taskar," as follows:—"In the moneth of August last bipast or thairby, Johnne, Lord Maxwall, be the persuasioun of Robert Maxwall of Cowhill, tuke and put the complinar in prissoun in the place of Carlaverok, quhair he wes detenit be the space of ten dayis, and at last takin out and convoyit to ane wodsyde besyde the said place, quhair thay band him hand and fute to ane trie, and tuke ane small cord, and band about his heid, and threw the same about with ane pin quhill his ene lap out upoun his cheikis, onlie becaus he wald not avow ane lesing maid upoun Johnne Schortrig of Mareholme, anent the alledgit wrangis using be him of certane cornis committit be him to the said Lord, albeit, as God knawis, he knew na sic thing, nor na uther cryme or offence committit be him to the said Lord or ony utheris." Further, "be the persuasioun of the said Robert Maxwall of Cowhill, he wes, eftir the cruell handilling, committit agane to prissoun, quhair he presentlie remanis." There had been summons, in due form, to Lord Maxwell "to have brocht and exhibitit the said complinar" before the King and

ta 1577-79. Council on a certain day and have the cause decided, under the usual
Page 78. pain; and now, the said Johnne Schortrig appearing in name and behalf of the said Johnne Bek, and the said Johnne, Lord Maxwell, being "oftymes callit and not compeirand," the Lords ordain letters to go forth "charging the said Johnne, Lord Maxwall, to put the said Johnne Bek, taskar, to libertie within thre dayis," under the "pane of rebellioun and putting of him to the horne," and, if he fails, then "to denunce, etc., and to escheit, etc."

Stirling Castle, 18th October.

Sederunt—Archibaldus, Comes Angusie; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator; Magister Georgius Buchannane.

To denounce MacIntosh of Dunachton.

Letters under the King's signet having summoned, under the usual penalty, Lauchlane M°Intosche of Dunnauchtane to appear before the King and Council "this present day and place," to answer to "sic thingis" as might be demanded of him, and he having neglected the summons, the Lords ordain letters to issue to put him to the horn, "and to escheit and inbring all his movabill guidis to our Soverane Lordis use for his contemptioun."

Stirling Castle, 28th October.

Sederunt—Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth; Computorum Rotulator; Magister Georgius Buchchannane.

Prorogation of the time of meeting of two of the levies ordered for the Borders.

Recitation of those parts of the former order, of 11th October, by which two of the then contemplated district levies of all the lieges between sixteen and sixty years of age, to be employed for suppressing misrule on the
Page 79. Borders, had been commanded to meet at Dumfries and Jedburgh on the 4th of November for that service [*ante*, p. 38], with this addition:—"Nevirtheles, our Soverane Lord, upon sindrie gude, wechtie, and necessarie respectis, be advise of the Lordis of His Hienes Secreit Counsale, hes thocht convenient to prorogat the assembling of his subjectis to the Bordouris to the effect abonewritten quhill the fift day of December nixt to cum." Proclamation is therefore to be made to that effect at the market crosses of the head burghs of the two districts interested, but charging all that had been summoned for the 4th of November to meet without fail at the said places of rendezvous on the 5th of December, under the pain of "tinsell of life, landis, and guidis," as formerly advertised.

"Forsameikle as the Pledgeis and utheris underwrittin, retenit for the gude reule and quietnes of the Bordouris, wer committit to the custodie and keiping of the personis underspecifiit, to be suirlie keipit, unlettin to

Order respecting the lords and lairds in various parts of the country, among whom certain Border pledges had been distributed for safe custody.

libertie or sufferrit to pas hame, upoun band, obligatioun or ony uther maner of conditioun, without expres warrand and commandiment of our Soverane Lord or his Regentis for the tyme, ilk persoun under the pane of twa thousand pundis [see vol. ii. pp. 477, 478] :—that is to say, Gibbie Ellot, broder to Robert Ellot of Reidheuch, with Johnne Carmichaell, youngar of that Ilk; Willie Ellot, sone to Martine Ellot of Braidley, with James Scrimgeour of Dudop, constabill of Dundie; Hobbie Ellot, sone to James Ellot of the Park, with Williame Portarfield of Deuchall; Willie Ellot, callit Jokis Willie, with George Ramsay of Dalhoussie; Johnne Ellot, sone to Will Ellot, callit the Eldar Tod, with Alexander Abercrumbie of that Ilk; Gib Ellot of the Schawis, with the provest and baillies of Perth; young Clemmie Crosar, relevit upoun Johnne Carmichaell of that Ilk youngaris promeis; Clemmie Crosar, callit Cokis Clemmie, with Johnne Edmestoun of that Ilk, or Williame Dowglas of Caveris, sheref of Roxburgh; Thome Armstrang, broder to the Lard of Mangertoun, with Sir James Hume of Coldinknowes, knycht; Archie Armstrang, sone to the Lard of Quhithauch, with David Wemys of that Ilk; Martene Armstrang, sone to George of Arkiltoun, with Williame, Lord Levingstoun; Andro Armstrang, sone to Thome Armstrang of the Glengyllis, with Alexander Ogilvie of Boyne; Willie Armstrang, sone to Nichol Armstrang of Tarrisholmhill, with David Grahame of Fintrie, knycht; Rowie Armstrang of Brintscheilhill, with Alexander Stewart of Garleis; Richard Armstrang, sone to Hectoure of Hairlaw, with David Barclay of Cullerny; David Armstrang, sone to Thome Armstrang of Cannabie, with Robert, Commendatar of Deir; Alie Batie, sone to David Batie, with Maister David Carnegy of Culluthie; Archie Batie, broder to Johnne of the Scoir, with Alexander, Lord Saltoun; Johnne Batie of Daventoun, with David Boiswall of Balmuto; sone to Nikie Batie of the Scheill, with Williame Seytoun of Meldrum; Andro Grahame, sone to the Priouris Johnne, with Alexander Inglis of Inglistarbet; Willie Irvin, sone to Jokis Willie, with Fraser of Mukell; Willie Irvin of Graitnayhill, with Sir Alexander Jardane of Apilgirth, knycht; Archie Bell, broder to Bell, callit the Bendar, with Robert Turing of Foverne; Willie Bell, sone to Rany Bell in Docanflat, with Patrik Mowat of Boquhollie; Cristie Johnnestoun of Bighill, with James Gordoun of Haddo; Habbie Johnnestoun, sone to Gib Johnnestoun of Langsyde, with Alexander Gordoun of Abirgeldy; Johnne Johnnestoun, sone to Will Johnnestoun of Myreheid, with Patrik Chene of Essilmonth; Willie Johnnestoun, sone to Gib Johnnestoun of Fairholme, with Alexander Irvin of Drum; Thome Johnnestoun, sone to David Johnnestoun of the Bankis, with Maister Duncane Forbes of Monymusk; Johnne Johnnestoun, sone to young James Johnnestoun of Brumell, with Alexander Fraser of Phillorth; Willie Moffet, sone to James Moffet of Powbudie, with James Sandelandis of Sanctmonanis; Adame Latimer, sone to David Latimer of Cokkethill, with Johnne Charteris of Kinfawnis; David Litill, broder to Johnne Litill of Kessok,

Acta 1577–79.

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ta 1577-79. with James Striviling of Keir; Will Bell, sone to Jok Bell of Alby, with Sir James Stewart of Doune, knycht; Thomas Armstrang, sone to Sandie Armstrang, callit Sandeis Ringane, with Williame, Lord Hay of Yester; Quintene Niksoun, sone to Clemmy Niksoun, callit Clemme the Crune, with George Buchchannane of that Ilk; Jame Ellot, sone to Gray Will Ellot, with George Craufurd of Lefnoreis; Scottis Hob Ellot, lettin to libertie to be enterit agane on the young Lard of Carmichaellis promeis; Gawen Ellot, sone to Scottis Hob Ellot, with Johnne Cunninghame of Glengarnok; Hob Ellot, sone to David Ellot of Braidley, and Hob Ellot, callit Yll Hob of Ransygill, with the prowest and baillies of Edinburgh; Adie Crossar, callit Megettis Adie, with Lord Claud Hammiltoun, commendatar of Paslay; Niniane Armstrang, sone to Symon Armstrang, callit Symon the Foid, with Alexander Forrestar of Carden; Jok Armstrang of the Caffeild, with Patrik Leirmonth of Dersy, knycht, provest of Sanctandrois; Lang Andro Armstrang of the Hairlaw, with Patrik Kyninmonth of Craighall:—Nevirtheles, the saidis personis, to quhome the saidis Plegis and Bordoure men wer committit in custodie and keiping, as said is, hes sufferrit thame to depart and pas hame, quhairthrow the Bordouris and trew subjectis of this realme ar sensyne greitlie trublit and inquietit; and thairthrow the same personis that had thame in custodie and keiping hes incurrit the saidis panis. Thairfoir ordanis letters to be direct chargeing the saidis personis to compeir personalie befoir our Soverane Lord and his Counsale at certane particular dayis to be appointit thairto, to heir thame and ilkane of thame for thair awin part to have incurrit the said pane of twa thowsand pundis for ilkane of the saidis Bordour men, plegis and thevis, lettin to libertie, and sufferrit be thame to pas hame as said is, or ellis to alledge ane ressonabill caus quhy the samyn sould not be done; with certificatioun to thame, and they failzie, thay salbe decernit to have incurrit the saidis panis, and letters of horning or poinding and distrenyeing salbe direct aganis thame for payment thairof."

Page 81. *Sederunt*—Domini ut in die predicto. Stirling Castle, 29th October.

Andrew Shaw of Sornbeg and his son against John Shaw of Keiris, his sons, and others.

Complaint of Andro Schaw of Sornbeg and Robert Schaw, his son, as follows:—On the 19th of March last, "at twelf houris in the nicht or thairby, Johnne Schaw, eldar, of Keiris, Johnne Schaw, his sone, and appeirand air, David Schaw, his secund sone, Williame Schaw, burges in Air, Williame Murray and Johnne Murray, servandis to the said Johnne Schaw, eldar, of Keiris, Thomas Thomsoun, his officiar, Johnne Schaw, servand to the said Johnne Schaw, youngar, Johnne Smyth in Staufler, Johnne M'Spedene, eldar, thair, Johnne M'Spedene, his sone, thair, Johnne Baird, fleschcour thair, Olipher Miller in Heliis, and Thomas Wallace, broder to Johnne Wallace of Auchanis, all bodin in feir of weir, with jakis, steilbonattis, pistolettis, speiris, lang hagbuttis, and utheris wappynnis invasive, incontrair the Actis of Parliament and lawis of this

realme, come to the landis of Halie pertening to the said Andro Schaw of Sornbeg, and thair maist cruellie and maisterfullie struik Williame Wilsoun in Halie, Johnne Caldwell, Williame Caldwell, and Andro Terbert, tenentis to the said Andro, brak up thair durris, and reft and awaytuke fra the said Williame Wilsoun ane blak horse and ane laid of corne, fra the said Johnne Caldwell twa horse, fra the said William Caldwell twa horse and ane laid of corne, and fra the said Andro Terbert ane horse." Further, "upoun the aucht day of August thaireftir, the said Johnne Schaw, eldar, of Keiris, and remanent personis abonewritten complenit upoun, come to the saidis landis of Halie, and thair not only struck the said Andro Schawis servandis as of befoir, bot alsua maist wranguslie reft and awaytuke fra Williame Caldwell his tenent ane horse, fra Johnne Caldwell ane horse, fra George Portare ane horse, fra Johnne Lowrie ane horse, and fra Johnne Blair ane horse." Still further, on the 21st day of September last, the two Johnne Schaws sent David Schaw and the rest "to the saidis landis of Halie, and thair thay unbeset the gait quhair Symon Wallace and Johnne Blair, servandis to the said Andro Schaw of Sornbeg, wes cumand fra the toun of Halie to his hous with victuall; and thair the said David and personis foirsaidis maist wranguslie and maisterfullie reft and awaytuke fra the saidis Symon Wallace and Jonnne Blair twa bollis of beir, and tuke the said Johnne Blair and Williame Smelie prissonaris, and caryit thame to the house of Keiris, quhair thay were haldin in strait prissoun the space of twa nychtis." The parties accused had been all summoned in due form to appear before the Council to answer the complaint on a certain day bypast; and now, the case being called, and one of the complainers, Robert Schaw, younger of Sornbeg, "compeirand personalie," and three of the accused, Johnne Smyth in Stafler, Johnne Makspedene, elder, there, and Johnne Baird, flesher there, "compeirand alsua personalie, and denyand the effect of the saidis letters," the Lords direct the complainers to pursue these three at law, "criminalie or civilie," as they may think best, but ordain that "the remanent personis complenit upoun, being oftymes callit and not compeirand," be put to the horn and to escheat, etc.

Acta 1577–79.

Stirling Castle, 3rd November.

Sederunt—Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Buchane; Robertus, Dominus Boyd; Allanus, Dominus Cathcart; Adamus, Commendatarius de Cambuskynneth.

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Town of Ayr: John Lockhart late provost, and others, against Hugh Campbell of Loudoun, younger, George Jamieson, and others.

Letters have been raised at the instance of Johnne Lokart, late provost of Ayr, Edward Wallace, George Kennedy, bailies, and George Lokart, Robert Chalmer, Gilbert Cathcart, Alexander Kennedy, Archibald Fergushill, Paull Reid, Gawen Dalrumple, Michaell Wallace, Chairlis Cunninghame, Henrie Osburne, and Johnne Stewart, burgesses of the same, "for thameselffis and in name and behalf of the maist part of the remanent marchandis, craftismen, burgessis and inhabitantis of the said burgh,"

a 1577-79. against Hew Campbell of Lowdoun, younger, son and apparent heir to the sheriff of Ayr, George Jamesoun, Johnne Jamesoun, Thomas Jamesoun, Donald Campbell, Chairlis Campbell, Robert Campbell, and George Cochrane, "anent the said Hewis procuring of himself to be nominat and electit provest, and George Jamesoun baillie, of the said burgh, at the feist of Michaelmes last bipast, be certane fremen and inhabitantis of the samyn, nowther being the gretest part of the communitie, nor yit of the maist honest and discreit sort thairof, aganis the lovabill forme observit heirtofoir, lawis and actis of Parliament maid thairanent." Parties having been called, and "the saidis Johnne Lokart, Edward Wallace, George Kennedy, George Lokart, Robert Chalmer, compeirand personalie, with Hew Wallace of Carnell thair prelocutour, and the said Hew as procuratour for certane utheris marchandis, craftismen and inhabitantis of the said burgh, persewaris, and the saidis defendaris being alswa personalie present, except the said Chairlis Campbell, quhais absens wes excusit be ressoun of seiknes," the Lords, "understanding the mater to be greit and weichtie, requiring the advise of sum gretar nowmer of the Counsale," adjourn it to the 15th of November.

Caution by Johnne Levingstoun, younger, of Denypace, in one thousand pounds, for James Dumbar, Sheriff of Murray, and in one hundred pounds for each of his deputies, Johnne Rutherfurd, Mr Johnne Dunbar of Mest, James Henrie, and Johnne Moir, burgesses of Elgin and Fores, "that thay sall compeir personalie" on the 24th of January next before the King and Council, to abide whatever order may be given "in the mater for the quhilk thay war put to the horne be letters rasit at the instance of Alexander Winsister, minister of Elgin" [see *ante* p. 5]. Colin, Earl of Argyle, "obleist him to releif the said Johnne Levingstoun of the premissis." Caution for James Dunbar, Sheriff of Moray, and his deputies.

Sederunt—Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth. Stirling Castle, 8th November.

Page 83. David Brysoun, "being ressavit and admittit maser of the Privie Counsale," took the oath of office. Macer to the Council.

Caution in £2000 by Johnne Cokburne of Ormistoun and Johnne Carmichaell, younger, of that Ilk, that they will enter Martine Ellot of Braidley before the King and Council on the 20th of March next. Stirling Castle, 14th November. Caution for Martin Elliot.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Joannes, Dominus Maxwall; Patricius, Stirling Castle 15th November.

Dominus Lindesay ; Robertus, Dominus Boyd ; Hugo, Dominus Somervile ; [Jacobus], Dominus Innermeth ; Episcopus Glasguensis ; Episcopus Brechinensis ; Episcopus Dunkeldensis.[1] Acta 1577–79.

Regulations for collecting a tax of £12,000, voted for maintaining a force on the Borders.

For restoring order on the Borders, "experience hes declairit that not onlie a present repressing of the thevis is requisite, bot sum ordinar force to be employit for a certane space to repres sic fugitives and outlawis as may ly out eftir the ordour taikin." Accordingly, "the Estaittis convenit hes willinglie grantit ane taxatioun of twelf thowsand pundis money of this realme, to be payit betuix and the first day of Januar nixt to cum: that is to say foure thowsand thre hundrith threscoir sex pundis xiii ß. iiii đ. be the spirituall estait; foure thowsand thre hundrith threscoir sex pundis xiii ß. iiii đ. be the baronis and rehaldaris; twa thowsand ane hundreth threscoir seventene pundis xv ß. vi đ. 2 part đ. be the burrowis; and ane thowsand fourscoir aucht pundis xvii ß. ix đ. 3 part đ., in compleit payment of the said taxatioun be the fewaris, tenentis and occupiaris of our Soverane Lordis propirtie." The collection of these sums from the Page 84. first three of the four estates or bodies of persons severally concerned is now ordered by the Lords to be by the method established in such cases of general taxation; but the regulations are repeated in detail and almost verbatim from former orders of the kind [*e. g.*, that of 28th October 1575 for collecting a stent of £4000 for the same purpose of repressing the Border thieves: see the order at length, vol. ii. 467–469]. The only differences as respects the Spiritual Estate, Barons and Freeholders, and Burghs, are that, the present tax being for £12,000, the charges upon individuals are to be more than in that former order (*e. g.*, "five schillings of everie pund land of auld extent" from Earls, Lords, Barons and Freeholders, instead of only "xvi đ."), and that the Collector-General is now William, Lord Ruthven, the King's Treasurer. There is now, however, an additional regulation, applicable to the fourth body of persons required to contribute to this tax: viz, "For the Kingis propirtie, that thair be five schillingis upliftit of everie pund land of auld extent;" the uplifting and delivery of the same to the Collector-General to be by "the stewartis, baillies and chalmerlanis of his Hienes propirtie foirsaid," under the usual pain, while, for *their* relief, there are to be letters "charging all and sindrie the fewaris, tenentis and occupyaris of his Hienes propirtie foirsaid, ilkane of thame for thair awin part," within six days, under the same pain, with poinding and distraint to follow if necessary.

[1] The sederunt, as well as the nature of the business transacted and the wording of the minute, shows this to have been no ordinary Council meeting, but something in the guise of a Convention of Estates, though there is no notice of it among the Conventions enumerated in the printed Acts of Parliament. Strictly, the Privy Council in the sederunt, as appointed Councillors by the Parliament at Stirling in the preceding July (*ante*, p. 14, footnote), or as formally admitted since, were the six named first, though it is notable that this is the first appearance of Argyle, Montrose, and Lindsay, three of the chiefs of the late movement against Morton, since their appointment. The other five—Lord Somerville, Lord Innermeath, James Boyd, Bishop of Glasgow, Alexander Campbell, Bishop of Brechin, and James Paton, Bishop of Dunkeld—were supernumeraries, not regularly of the present Council. See *supra*, under date Dec. 23, 1578.

ca 1577–79. Page 85.

Sederunt—Domini ut in die predicto. Stirling Castle, 17th November.

Recitation of the adjourned case of Johnne Lokart and others against Hew Campbell, younger, of Loudoun, and others, in the disputed election to the provostship of Ayr, with re-enumeration of all the parties concerned [*ante*, pp. 44, 45]. "Quhilkis being callit, and the saidis Johnne Lokart, Edward Wallace, George Kennedy, George Lokart, Robert Chalmer, compeirand personalie, with Maister Alexander Skene thair prelocutour," who is also procurator for the absent pursuers, "and the saidis Hew Campbell and Robert Campbell compeirand alswa personalie, with Williame Hiegait thair prelocutour," who is also procurator for the rest of the defenders,—"quhilkis baith partiis being desirit to submit the mater to be decydit amicabillie be certane personis to be nominat be ayther of thame, and thay refusand, allegeand the samyn to concerne a greit nowmer of utheris inhabitantis of the said burgh joynit with thame in this actioun, without quhais avise thay culd not mak the said submissioun,"—the Lords therefore again continue the case to the 15th of January next. Adjourned case of John Lockhart, Hugh Campbell of Loudoun, younger, and the provostship of Ayr.

Sederunt—Domini ut in die predicto. Stirling Castle, 18th November.

His Majesty, with advice of his Privy Council, having by his commission "constitute and ordanit his weilbelovit servitour Johnne Carmichaell, younger, of that Ilk, his Majesteis kepar of Liddisdaill and justice within the boundis thairof," proclamation to that effect is ordered at "the Armytage Grene" and the market crosses of "Jedburgh, Selkirk, Hawick, and utheris places neidfull," charging "all and sindrie the inhabitantis of Liddisdaill within the boundis of the said commissioun, that thay and everie ane of thame reddilie answer, intend and obey to the said Johnne Carmichaell, keipar foirsaid, in all thingis tending to the furthsetting of
Page 86. our Soverane Lordis service," and also charging "all and sindrie his Hienes liegis within the boundis of West Teviotdaill and sherefdome of Selkirk, [to] ryse, concur, fortifie and assist the said Johnne, als oft as thay salbe requirit." John Carmichael, younger, of that Ilk, made Keeper of Liddesdale.

Complaint by Johnne Wallace of Craigy that, on the 28th of October last, "Williame Hamiltoun of Sanchar, with convocatioun of our Soverane Lordis liegis, bodin in feir of weir, with daggis, pistolettis, and lang gunnis, prohibit to be worne be Actis of Parliament and Secreit Counsale, cruellie set upoun the said Johnne Wallace, within the kirkyard of the burgh of Air, in the verray tyme that he wes cumand frome the sermon, schot the saidis pistolettis and lang gunnis at him, and utheris his servandis, and did that wes in thame to have slane him; quhilk in deid they had not faillit to have performit war not the resistence maid to thame be the inhabitantis of the said burgh." Hammiltoun had been summoned to answer in usual form under the usual pain; and now, "the said Johnne Wallace Wallace of Craigie, against Hamilton of Sanquhar.

of Craigy compeirand personalie, and the said Williame Hammiltoun being oftymes callit and not compeirand," the Lords give order to "denunce the said Williame Hammiltoun of Sanchar our Soverane Lordis rebell and put him to his Hienes horne, and escheit and inbring all his movabill guidis to his Majesties use, for his contemptioun." Acta 1577–79.

Stirling Castle, 20th November.
Caution for Scrymgeour of Dudhope.

Walter Ramsay, burgess of Dundee, having "maid faith that he dred bodilie harme to be done to him" by James Scrymgeour of Dudope, Constable of Dunde, and Scrymgeour being personally present, the Lords order Scrymgeour, under pain of "ane thowsand merkis," to find sufficient surety "that the said Walter salbe harmeles and scaithles of him."

Caution for Lord Seton.

Caution in £500 by Alexander Seytoun of Gargunnok for George Lord Seytoun, that he shall appear personally before the Council on the 10th of December next.

Stirling Castle, 22nd November.
Caution for John Somerville.

Caution by Adame Boyd of Penkill for Johnne Somerville of Cambuskynneth [? Cambusnethan], "that the said Johnne sall entir and present his men, tennentis, and servandis, dwelland upoun his landis and heretage, befoir the Justice or his deputis as he salbe requirit thairto, ilkane of thame under the pane of thre hundreth merkis;" Robert, Lord Boyd, binding himself "to releif the said Adame of the premissis." Page 87.

Stirling Castle, 26th November.
Revocation of all gifts and pensions made out of the King's property since his accession, either by the Regents or by himself.

"The Kingis Majestie and Lordis of his Hienes Secreit Counsale considdering the present estait of his Hienes propirtie, sa far hurt and diminischit, throw the dispositioun thairof in pensionis and utherwyise, that nayther can the chairgis of the expenssis of his Hienes hous nor utheris the necessar effairis of his estait and croun be sustenit in tyme cuming (howbeit the occasioun of the chairgis and expenssis dalie incressis) without sum present help and gude provisioun: Quhairfoir his Majestie, be avise of his said Privie Counsale, following the benefite and privilege of the law grantit to his Hienes and all utheris minouris tuicheing the revocatioun of unproffitabill alienationis and dispositionis of thair rentis and patrimony in thair les ages, and respecting the ordinar remedy usit be his maist nobill progenitouris in lyke caissis heirtofoir, hes revoikit, rescindit, cassit, annullit and dischairgit, and be the tennour of this present act revokis, rescindis, cassis, annullis and dischairgis, all the saidis alienationis, giftis and dispositionis, in pensioun or utherwyise, gevin be his Hienes with avise of his Regentis for the tyme, or be himself sen the acceptatioun of the governement in his awin persoun, of his said propirtie, quhilkis of the law ar revocabill, declairand and decernand the same to be null, invalide and of nane availl, force nor effect in tyme cuming; and ordanis and commandis Sir Williame Murray of Tullibardin, knycht, his Majesteis comptrollar, to ask, crave, ressave, intromet and uptak the rentis and proffeittis of his Hienes propirtie foirsaid to his Majesteis awin use, off the crop and yeir of God $j^{m}v^{e}$ threscoir auchtene yeiris present, and in

a 1577-79. tyme cuming, without respect of ony gift of pensioun or fre discharge of ony part thairof in tyme bigane preceding the dait heirof; discharging the said Comptrollar of all payment of ony part thairof heireftir; and that letters be direct to officiaris of armes, shereffis in that part, to mak publicatioun and intimatioun heirof be oppin proclamatioun at the marcat croces of the heid burrowis of this realme and utheris places neidfull, that nane pretend ignorance of the same, inhibiting all and sindrie his Hienes liegis, that nane of thame tak upoun hand to answer, obey and mak payment of ony part of the said propirtie to ony persoun or personis clamand the samyn be ony gift in pensioun or frelie dischairgit, as said is, bot to answer and mak payment thairof to the said Comptrollar and thair chalmerlanis, notwithstanding ony giftis, decreittis or letters obtenit thairupoun in tyme bigane."

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Robertus, Dominus Boyd; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 26th November.

Page 88. Natural sequel to the last entry in the form of an absolute revocation of all gifts and pensions made to private persons, during the King's minority and up to the present date, out of the superplus of the thirds of benefices of the Kirk; but what is curious is that it is a repetition, almost *verbatim* and *literatim*, of the previous order to that effect of the 16th September [see *ante*, pp. 29–31]. Had the proclamation of that order been postponed, and was it now renewed and written out afresh? The only difference would be that the order, instead of dating from the 16th of September 1578, would now date from November 26 of the same year. Repeated Revocation of all gifts out of the superplus of the Thirds of Benefices.

Page 89. *Sederunt*—Domini ut in die predicto. Stirling Castle, 27th November.

Caution by Johnne Campbell of Caddell for Williame Hammiltoun of Sanquhar, that he shall appear before the King and Council on the 20th of December next, under the pain of 500 merks. Caution for Hamilton of Sanquhar.

Sederunt—Domini ut in die predicto. Stirling Castle, 28th November.

Complaint of Walter Barclay of Balnagook, as follows:—"George Barclay of Gartulie, and Johnne Murray his servand, with utheris thair complices, in the moneth of last bipast, come to the said Walteris landis of Freirleirsait, pertening to him in heretage, and thair, apprehending James Mark, ane of his tenentis, gangand at his pleuch, chacit his oxin, and baist and dang the said James self with battonis, and left him lyand for deid; lyke as the saidis George and Johnne, continewing in thair malice consavit causles aganis the said compliner and his puyr tennentis, upoun the xvi, xvii and xxiiii dayis of September last bipast, come to his landis of Cokistoun and Gympstoun, under silence of nycht, Walter Barclay of Balnagook against George Barclay of Gartully and his servant.

and not onlie baist and dang with battonis as of befoir Johnne Broun and James Wilsoun, twa of the said complineris tennentis of the saidis landis, to the effusioun of thair blude in greit quantitie, bot als perforce tuke and transportit thame, and James Moresoun, ane uther of his tennentis, to the toure and fortalice of Gartulie, and thair detenit thame as prissoneris a certane space thaireftir, boistand and mannassand thame during all the tyme of thair imprissonment that, gif they war found agane upoun the saidis landis, it sould coist thame thair lyves;—thinking be this forme of doing to lay his saidis landis waist, quhairthrow he sall get na proffeit thairof." The parties complained against had been duly summoned, under the usual pain; and now, "the said Walter Barclay compeirand personalie, and the saidis George Barclay and Johnne Murray being oftymes callit and not compeirand," the Lords direct letters "simpliciter to denunce the saidis personis, and to escheit etc." Acta 1577–79.

Stirling Castle, 30th November.

Sederunt—Domini ut in die predicto. Page 90.

Dame Agnes Gray and her husband, Lyon of Auldbar, against the Abbot of Jedburgh.

Complaint by Dame Agnes Gray, relict of the late Alexander, sometime Lord Hume, and by Thomas Lyoun of Auldbar, her present husband, as follows:—Although "the custodie and keiping of the Castell of Hume wes committit to the said Dame Agnes and hir servandis in hir name be James, Erll of Mortoun, lord of Dalkeith, regent for the tyme, and scho ordanit to keip the same in our Soverane Lordis name, and to mak it answerabill to be deliverit as scho sould be requirit be his Hienes allanerlie, like as scho hes remanit in the possessioun and keiping of the said Castell thir diverse yeiris bigane," yet "Andro, Commendatar of Jedburgh, with his complices, bodin with daggis and pistolettis, upoun the sevint day of August, come to the said Castell, quhairin a few nowmer of hir servandis war for the tyme, and, finding the utter yet thairof oppin, enterit thairin, and perforce removit and output the saidis complineris servandis furth thairof, and sensyne hes fortifiit and still fortifiis, keipis and withhauldis the samyn, without ony power or commissioun had frome his Hienes."—The persons so complained of had been duly summoned, under the usual pain, to render the Castle back within 24 hours or else to have appeared personally before the King and Council and shown cause to the contrary; and now, "the saidis Dame Agnes Gray and hir said spous compeirand be Maister George Johnnestoun thair procuratour, and the said Andro, Commendatar of Jedburgh, compeirand be Richart Cass his procuratour," and reasons on both sides having been heard, and the case ripely considered, the decision is that letters go forth to "command and charge the said Commendatar to rander and deliver the said Castell of Hume to the saidis complineris, to be keipit be thame in his Hienes name as said is, within sex dayis nixt eftir the charge, under the pane of rebellioun and putting of him to the horne, and, gif he failyie thairin, the saidis sex dayis being bipast, to denunce etc. and to escheit etc."—the reason for this decision being that "he, compeirand be his said procuratour, schew na ressonabill caus in the contrair, lyke as wes cleirlie understand to the saidis Lordis."

a 1577–79. Page 91. Caution by Robert Hume of Reidheuch for Sym Scot of Wintirburch, "that the said Sym sall rander and deliver the toure and fortalice of Thirlstane to Robert Scot of Thirlstane and his curatouris before" the 8th of December, "under the pane of five hundreth pundis" [see *ante*, p. 39]; the said Sym obliging himself "to releif the said Robert of the premissis." Both parties sign, the said Sym Scot in these words:—"with my hand at the pen led be Johnne Andro at my command." Stirling Castle, 1st December. Caution for Sim Scott.

Sederunt—Domini ut in die predicto. Stirling Castle, 2nd December.

Complaint by David Dunbar of Kynstary, as follows:—"Thomas Caddell in Clunes, Johnne Or in Moy, Johnne Caddell, bastard sone to umquhile Johnne Caddell in Clunes, Johnne Caddell in Rorachie, Thomas Caddell in Flures, Williame Caddell his sone, Johnne Caddell in Archindoun, Johnne Masoun, eldest sone to Patrik Masoun in Eistir Kilrawok, Donald M°Fail in Archindoun, James Dempstar in Caddell, Allestar M°Brabnar thair, Paull M°Donald Roy thair, Nicoll Masoun in Incheddell, Alexander Bane M°Finlay thair, Thomas Montgomerie in Monzeournane, George Montgomerie in Brumehill, Donald M°Awreoch in Caddell, Johnne M°Awreoch in Litill Urchun, Alexander Gowansoun, sone to umquhile Alexander Gowansoun that wes hangit in Dundie, Alexander Roy M°Agie in Caddell, Alexander Stewart thair, Johnne Stewart thair, Patrik Cunninghame, officiar, Johnne Caddell, broder to James Caddell in Fores, Thomas Cheisholm, fidlar in Clunes, Nicoll M°Gillefeddell thair, Matho M°Andochie thair, Alexander Moir M°Gillecreist thair, Johnne Dow M°Cruner in Caddell, Finlay M°Inreoch in Clunes, Nicoll M°Gillefeddell thair, and Johnne M°Gowandreis thair, all servandis and tennentis to Johnne Campbell of Caddell, accumpanyit with diverse utheris, thair complices, with convocatioun of our Soverane Lordis liegis to the nowmer of lx personis or thairby, all bodin in weirlike maner, laitlie, upoun the xx day of October last bipast, off the speciall causing, divising, hounding, sending, art, parttaking, command, assistence and ratihabitioun of the said Johnne Campbell of Caddell thair maister, and Doncane Campbell of Boith, his fader broder, come to the kirkyarde of Aulderne, lyand within the sherefdome of Narne, quhair, the said Dunbar being gangand within the said kirkyaird, for the tyme accumpanyit onlie with Alexander Davidsoun and Williame Lyoun, his servandis, and thair the saidis personis maist cruellie and unmercifullie slew the saidis umquhile Alexander Davidsoun and Williame Lyoun upoun set purpois and provisioun; lyke as they at the samin tyme tuke the said David Dunbar captive and prissonar, had, led and convoyit him away with thame to the tour and fortalice of Caddell, quhair they detenit and yit detenis him in captivitie and prissoun continewallie sensyne." The complainer asserts that "he is innocent of all cryme and offence that may be imput to him, and for the bettir tryell of his innocence he hes fund souirtie to the Justice Clerk and his deputis that he sall compeir befoir the Justice David Dunbar against John Campbell of Caddell and others.

or his deputis the thrid day of the nixt justice air of the sherefdome of Elgin and Fores or Narne, quhair he dwellis, or sonar quhen or quhair it sould pleise our Soverane Lord upoun xv dayis warning, and underly the lawis for all crymes committit be him, or that may be layit to his charge, under the panis contenit in the actis of Parliament, as at mair lenth is contenit in ane act in the buikis of adjornall maid thairupoun." Having made his complaint before to the Lords of Council and Session, he had obtained letters charging his detainers to set him free within three days under pain of rebellion; and, on their disobedience, he had "causit denunce the saidis personis rebellis and put thame to the horne," but with no effect. "And swa the said David is detenit captive, and our Soverane Lordis auctoritie contempnit, the deteneris of him in captivitie being denuncit rebellis and at the horne as said is, and yit dalie hantand and repairand in his Hienes hous and cumpany as gif they war his Majesteis frie legis." Hence his renewed complaint. In consequence of that renewed complaint, the said John Campbell of Caddell had been summoned in the usual manner to exhibit his captive before the Council and abide the issue; and now, as he *had* appeared personally, and "presentit and exhibitit the said David Dunbar before the saidis Lordis, protesting, in respect thairof, that he mycht be relaxit fra the proces of horne led aganis him for non-putting of the said David to libertie conforme to the foirsaid letters," the Lords declare, in the first place, that Dunbar is free from that moment to go where he pleases, but also, in the second place, that, in respect of Campbell's compliance, letters are to pass charging the proper officers to "relax the said Johnne Campbell fra the proces of horne led upoun him for the caussis foirsaidis, ressave him to our Soverane Lordis peax, and gif to him the wand thairof simpliciter in tyme cuming." Acta 1577-79. Page 92.

Stirling Castle, 5th December.

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator.

Adam M°Ky against Lauchlan M°Lean of Dowart, John Smollett, and others.

Complaint of Adame M°Ky, "that, quhair upoun the xxiiii day of November last bipast, he being cumand up the watter of Clide in ane boit, with certane his guidis and geir thairin, in sobir and quiet maner, lippaning na trubill to have bene done to him in the menetyme, nochttheles it is of veritie that Lauchlane M°Clayne of Dowart, Johnne Smollet, burges of Dumbartane, Ewin M°Clayne of Ardgour, Johnne Dow M°Charlie M°Cauchane, with diverse utheris the said Lauchlanis servandis and complices, come upoun the said Adame foranent Dunglas, and put violent handis on his persoun, tuke him perforce as captive with thame to the burgh of Dumbartane, quhair they as yit detene him as prissoner." The parties complained of had been summoned, in the usual manner and under the usual pain, to appear with their prisoner and abide the result; and now, "the said Johnne Smollet compeirand personalie for himself, and as procuratour for the said Lauchlane M°Clayne of Dowart," the case was complicated Page 93.

cta 1577-79. by a declaration that, though they had taken the said Adam, yet "eftir the taking of him, and befoir the day of the charge gevin to thame for his exhibitioun, he wes taikin fra thame be Johnne Oig M°Clayne and his complices, servandis to Coline, Erll of Ergile, quhairthrow they culd not exhibit him conforme to the said charge." This fact "being referrit be the said Johnne Smollett to the declaratioun of the said Erll [then at the council table], and he declairand that the said Adame wes, as he wes informit, taikin fra thame, the Lordis of Secreit Counsale thairfoir assoilzeis the saidis Lauchlane M°Clayne and Johnne Smollett fra the desyir of the saidis letters simpliciter in tyme cuming."

William Henryson against Peter Danielston: disputed presentation.

Complaint by Williame Henrysoun that, "quhair it hes pleasit our Soverane Lord to present him to the thesaurarie of Orknay, quhilk is the personage of Stronsay, vaikand be deceis of umquhile Maister Frances Boithuile, last possessour thairof, nevirtheles Peter Danielstoun, sone to umquhile James Danielstoun, burges of Linlythqu, allegeand him to have obtenit of our Soverane Lord ane uther presentation of the same thesaurarie, hes purchest his Hienes command and warrand direct to the kepar of the privie sele for stopping of the said Williames presentatioun quhill the mater be hard and considderit be his Hienes and Lordis of Secreit Counsale, quhairthrow the said Williame is greitlie prejudgit and hinderit, without remeid be providit." The said Peter Danielston had been duly charged to appear before the King and Council, "bringand with him the said presentatioun subscrivit in his favouris, to have bene sene and considderit, to the effect his Hienes and Lordis foirsaidis mycht decerne and declair quhilk of the saidis twa presentationis sould proceid and pas the selis, with certificatioun to the said Peter, gif he failyeit, command sould be gevin to pas the said Williames presentatioun." Accordingly, on the 1st of November, Henrysoun "compeirand be Robert Dowglas, his procuratour, and the said Peter Danielstoun compeirand personalie," the latter had "allegit that the said presentatioun gevin to him wes in the handis and keiping of Walter, Abbot of Glenluce, aganis quhom he had obtenit decreit and letters thairupon, quhilkis war to be execute for delivering of the same to him." The Lords had then assigned the 1st of December for production of the missing presentation; "upoun the quhilk day the saidis Robert Dowglas and Peter Danielstoun compeirand baith personalie, the said Peter producit not his said presentatioun, nor yit reportit ony diligence usit be him upoun the said Abbot." Now, therefore, the Lords "ordanis and commandis the keipar of the privie sele to pas the said sele to the presentatioun gevin to the said Williame Henrysoun of the said thesaurarie without langer delay, nochtwithstanding ony command gevin of befoir in the contrair, he kepand thir presentis for his warrand."

Stirling Castle, 8th December.

Sederunt—Domini ut in die predicto. Page 94.

Allan Coutts of the Grange against Robert Lundie of Balgonie.

Complaint by Allane Cowtis of the Grange against Robert Lundy of Balgony as follows:—Lundy, "for non-fulfilling of letters in the foure formes rasit at the said Allanes instance aganis him, chairging him to warrand, acquyet, and defend the said Allane, his tennentis and occupyaris of the landis of Spittell, at the handis of George Dowglas, broder-germane to Williame Dowglas of Lochlevin, pensionar of the teindschevis of the saidis landis, off the croppis and yeiris of God j^{m}v^{c}lxxiii, lxxiiii, and lxxv yeiris, and in tyme cuming, for payment of the sowme of ten merkis yeirlie," had, on the 2nd of September last, been "denunceit rebell and put to the horne." He had remained at the horn ever since, "takand na regaird thairof, bot hantis, frequentis, and repairis, in all patent and publict places of this realme, siclyk and als frelie as gif he war our Soverane Lordis frie lege, in hie contemptioun of his Hienes auctoritie and lawes." Accordingly, summons in due form had been sent to Lundy to appear before the King and Council, "to have hard and sene utheris letters direct, chairging him to pas and enter his persoun in ward within the Castle of Blacknes, thairin to remane upoun his awin expenssis, ay and quhill he hed fulfillit the command of the saidis letters of horning, and obtene himself relaxt therefra, within aucht dayis efter the charge, under the pane of tressoun, or ellis to have schawin ane ressonabill caus quhy the samyn sould not have bene done." And now, "the said Allane Cowtis compeirand be James Oiswald, his procuratour, and the said Robert Lundy being oftymes callit and not compeirand," the Lords ordain letters to pass punctually to the threatened effect, and requiring Lundy to "cum to the Secretar or his deputes and ressave utheris letters for his ressait in ward within the said castell."

Stirling Castle, 13th December.

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Andreas, Comes de Rothes; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator.

Reappearance of the case of Lord and Lady Borthwick.

"Forsameikle as Williame Lord Borthuik and Dame Grissell Scot, his spous, having submittit all actionis, caussis, questionis, variance, contraverseis, and debaittis, quhilkis ayther of them had, hes, or mycht consave aganis utheris, for quhatsumever caus or occasioun bigane preceding the date heirof, to the decisioun of the Lordis of Secreit Counsale in amicabill maner [see *ante*, p. 34]; and thair Lordships accepting the charge upoun thame, and being willing to remove the saidis variance and contraverseis, and to have the saidis personis unitit and continewit in sponsale lufe and perfyte cheritie in tyme cuming, as aucht to be betuix man and wife, according to the lawis of God and man, hes, eftir mature advise and Page 95. deliberatioun, thocht guid, concludit, and ordanit, with consent of baith the saidis personis, that ayther of thame sall remit (lyke as be thir presentis ayther of thame remittis and forgives) utheris, of all rancour, malice,

cta 1577-79. clamys, questionis, actionis, caussis, contraversyis, decreittis, and debaittis quhatsumevir, quhilkis ayther of thame had, hes, or onywayes may have, or consave aganis utheris, for ony caus or occasioun bigane preceding the dait heirof, promitting be thir presentis never to call the same in questioun heirefter, bot to continew in hartlie lufe, favour, and cheritie, and ayther of thame to interteny uther in tyme cuming as they aucht and sould, as gif sic variance had nevir happanit."

"The quhilk day Johnne Borthuik of Glengilt become actit and obleist as cautionar and principall dettour for Williame Lord Borthuik, to content and pay to Maister Williame Harvy, his airis, executouris, or assignais, the sowme of ane hundreth and twelf pundis money of this realme betuix the dait heirof and the xxiiii day of December instant but langer delay; and the said William obleist him and his airis to releif the said Johnne of the premissis and of all pane and dangear that he sal happin to sustene thairthrow, and wes content that letters and executoriallis of horning or poinding be direct, gif neid be, alswele for the principall as releif, in forme as efferis. Sic subscribitur: Johnne Borthuik of Glengilt." Caution for Lord Borthwick.

Caution by Alexander Seytoun of Meldrum for George, Lord Seytoun, "that the said George be himself nor nane utheris in his name sall molest, trubill, or mak impediment to James Creychtoun, sone to Maister James Creychtoun of Cranstounriddell, or his servandis in his name, in the intrometting with the teindschevis of the landis of Tranent, off this last crop and instant yeir of God j^{m}v^{c}lxxviii yeiris, utherwyise nor be ordour of law and justice, under the pane of ane thowsand pundis" [see *ante*, p. 35 and p. 48]. Caution for Lord Seton.

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Andreas, Comes de Rothes; Commendatarius de Cambuskynneth. Stirling Castle, 16th December.

Complaint by George Montgomerie of Ovircamys, within the Isle of Meikle Cumray, that on the 19th of November last "Robert Montgomerie, servand to M^{c}Clayne, Johnne Smollet, sone to James Smollet, burges of Dumbartane, Robert Lettrik, messinger, James Galbraith, sone to Galbraith of Montallane, James Tailyeour, and Andro M^{c}Williame (quha come in ane boit, and four servandis with him), with utheris thair complices, come altogidder at xii houris at evin, under silence of nycht, to the saidis landis of Ovircamys, within the said Yle of Cumray, and thair violentlie put handis in the personis of Johnne Small, Johnne Kersell, and Jonet Craig, the said complineris tennentis and servandis, and perforce band thair handis, manassing to slay thame, and pullit out quhinzearis, haldand thame to thair breistis to that effect, and thaireftir spuilyeit and awaytuke xiii ky and ane bull, with twa horse worth foure scoir merkis, pertening to the said compliner and his saidis tennentis, and chasit himself swa that he wes compellit to flie out George Montgomery of the Isle of Meikle Cumbray, against Robert Montgomery, and others.

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of his awin hous for feir of his life, in hie contemptioun of our Soverane Lordis letters and lawis." Charge in due form had been given to Robert Montgomerie and Robert Lettrik to appear and answer under the usual pain; and now, "the said George Montgomerie compeirand personalie, and the saidis Robert Montgomerie and Robert Lettrik being oftymes callit and not compeirand," the Lords order the two last to be denounced, and put to the horn, and to escheat, etc. Acta 1577-79.

Stirling Castle, 22nd December. Caution for Lord Oliphant and the Master of Oliphant.

"The quhilk day Laurence Bruce of Cultemalindeis maid faith, in presens of the Lordis of Secreit Counsale, that he dred bodilie harme to be done to him be Laurence Lord Oliphant and Laurence Maister of Oliphant, his sone; quhairfoir Williame Dowglas of Lochleven become souirtie and lawborch for the said Laurence, Lord Oliphant, and the said Lord souirtie and lawborch for the said Lawrence, Maister of Oliphant, his sone, that the said Laurence Bruce of Cultmalindeis salbe harmles and scaithles of thame and all that they may let in tyme cuming, utherwyise nor be ordour of law and justice, ilkane of thame under the pane of twa thowsand pundis. Sic subscribitur:—Oliphant. Williame Dowglas of Lochlevin."

Counterpart caution for Bruce of Cultmalindie.

Laurence, Master of Oliphant, having "maid faith" before the Council "that he dred bodilie harme to be done to him be Laurence Bruce of Cultmalindie," Johnne Levingstoun, younger, of Denypace, becomes "souirtie and lawborch for the said Laurence Bruce, that the said Laurence, Maister of Oliphant, salbe harmles and scaithles of him," in the same terms as the preceding, and under the same pain.

Stirling Castle, 23rd December.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Willelmus, Comes de Glengarne; Joannes, Comes de Mar; Andreas, Comes de Rothes; Robertus, Dominus Boyd; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth; Computorum Rotulator.[1]

Declaration that the late Act for a general taxation for maintaining a force on the Borders was not intended as an unconstitutional precedent.

Considering the lamentable state of the Borders by the oppressions of thieves and broken men, "the Kingis Majestie and Estaittis, convenit upoun the ellevent day of October last bipast," had ordered proclamation for certain levies of the lieges to meet at certain times and places "for persute of the saidis thevis and broken men, and reduceing of thame to his Majesteis obeydience" [*ante*, p. 38]. But, afterwards, on consideration "how irksum and panefull it was to his Hienes liegis to travell in this seasoun of the yeir," and of "thair greit chairgis and expensis that thairupoun wald follow," the Estates had changed their method and ordered Page 97.

[1] In the last few sederunts the Earl of Argyle has been present, as the first man in the Council, in Morton's absence. Now the two noblemen are together, as if Morton and Argyle had begun to co-operate again.

a 1577–79. "that ane generall taxatioun sould be collectit and tane up for intertenying of ane ordinar force to be employed for a certane space upoun the saidis Bordouris" [*ante*, p. 46]. Although this had seemed necessary for the public peace at the time, and there had been no intention of prejudicing the liberties or privileges of any Estate of the realm by that Act, "yit it is complenit upoun, alsweill in name of the spirituall Estait as be the Baronis and Commissioneris of sum burrowis, that the forme in the making and granting of the said taxt wes not usit and observit conforme to the Actis of Parliament." Wherefore now, "for the better satisfactioun of all estaittis of personis, the Kingis Majestie, with avise of the Lordis of Secreit Counsale, decernis and declairis that the forme in granting and making of the said generall taxatioun is nor sall nawyise be interpreit as preparative innovatioun or dirogatioun of the forme and ordour appointit be the saidis Actis of Parliament, nor yit that the samin sall onywayis be hurtfull or prejudiciall to the liberteis and privilegis of ony of the Estaittis of this realme."[1]

Wallace of Craigie against Hamilton of Sanquhar again.

Complaint has been made by Johnne Wallace of Craigy against Williame Hammiltoun of Sanquhar for various causes, but particularly for "the boisting of Cuthbert Richartsoun, messenger, in executioun of his Majesteis letters rasit at the instance of Annabill Wallace, spous to the said Williame, and taking of the saidis letters perforce fra him and ryving of thame all in pecis in the moneth of Junii last bipast." Hammiltoun having been summoned to answer, and now "compeirand personalie with Maister Johnne Prestoun his prelocutor," and submitting himself to judgment, and Wallace being also personally present, the Lords "remittis all the pointis of the said complaint to be decydit befoir the juge ordinar as accordis, except that part thairof tuicheing the boisting of the said messinger and ryving of the saidis letters in manner foirsaid." For inquiry into that
Page 98. matter they assign the 18th of January next to come; on which day Wallace is to appear again, bringing Cuthbert Richartsoun and any other witnesses he may have, "to beir leill and suithfast witnessing in safar as they knaw or salbe speirit at thame in the said mater, under the pane of rebellioun," neither party to be prejudiced meantime.

In favour of the Provost and Masters of St Salvator's College, St Andrews.

"Anent the supplicatioun presentit be the Provest and Maisteris of Sanct Salvatouris College, within the citie of Sanct Androis, to our Soverane Lord and Lordis of his Majesteis Privie Counsale, makand mentioun that,

[1] This minute seems hardly a fair representation of the facts. The order of the 11th of October for levies to meet on the Borders had *not* been by "*the Kingis Majestie and Estaittis convenit*," but by a simple meeting of Council (see the sederunt, *ante*, p. 38). It was the subsequent taxation order of November 15 that had been by something in the semblance of a Convention of Estates (see *ante*, p. 46 and footnote there). The inadequacy of such a professed "convention" for such a purpose had struck the country, and given rise to complaints among the estates not represented in it. There had been ten nobles present and three Bishops, but none of the Lairds or Lesser Barons, and no Commissioners of Burghs.

quhair his Hienes, with avise of the thre Estaittis in the last Parliament, haldin within the Castell of Striviling, ratifiit and apprevit the letters of gift and dispositioun maid be his Hienes, with avise of the saidis Lordis of Privie Counsale for the tyme, to the Provest and principall Maisteris of the said College, off certane prebendareis, alteragis, and utheris small benefices specialie nominat in the saidis letters of gift, providing that the persounis appointit for visitatioun of the Collegis with this realme,—thay ar to say, Robert, Erll of Lennox; Robert, Erll of Buchane; Patrik, Archibischop of Sanct Androis; James, Archibischop of Glasgow; David, Bischop of Abirdene; Maister Petir Young; and Maister Andro Melvile,—sould tak full cognitioun of the quantitie and valu of the benefices within the said College, and how mony bursaris and of quhat qualitie the samyn mycht sustene, and mak ane forme and perfyte fundatioun of sa mony personis bursaris as the rentis newlie disponit mycht sustene; and thairfor to have reportit the samin to his Majestie and Counsale betuix the dait of the said Act and the xx day of December instant; with certificatioun to thame and they failyeit that the saidis Provest and Maisteris sould tyne the benefite of the said Act, and the samyn to be null and of none availl in the self thaireftir. [Acts of Parl. 1578, c. 20, iii. 106.] And, albeit the first day of November last bipast was appointit be the said Act to the saidis Visitouris to have convenit within the citie of Sanct Androis to the effect foirsaid; upoun quhais cuming the saidis Provest and Maisteris awaitit, reddy to have producit thair giftis and sic utheris writtis as mycht have resolvit thame of the quantitie and valu of the saidis benefices; nochtwithstanding, nane of thame come to this effect, except only the Erll of Lennox, with the Archibischoppis of Sanct Androis and Glasgow, quha refusit be thameselffis to tak the said cognitioun without the concurrence of the utheris adjoinit and nominat with thame be the said Act, notwithstanding ony perswasioun that the saidis provest and maisteris culd mak. Humilie desiring thairfoir that sic ordour mycht be tane heiranent as thair said gift and Act following thairupoun mycht stand and have full strenth, force, and effect in tyme cuming, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being hard and considderit be the saidis Lordis, and they understanding that the delay of the taking of the said cognitioun wes not in default of the saidis Provest and Maisteris, bot be occasioun of the absens of the saidis Visitouris, the Lordis of Secreit Counsale thairfoir decernis and declairis that the saidis Provest and Maisteris sall bruik and enjoy the benefite of the said Act of ratificatioun of the foirsaid gift in all pointis in time cuming, ay and quhill the foirsaidis personis, alreddy appointit or that sall heireftir be appointit for taking of the said cognitioun, convene togidder to that effect, notwithstanding the provisioun foirsaid contenit in the said Act, without prejudice alwayis to the lawit patronis of thair titillis and interes quhatsumevir quhilkis they have or may pretend to ony of the benefices contenit in the saidis letters of gift." Acta 1577-79.

a 1577–79. Page 99. Caution by Hew Wallace of Carnell and Johnne Wallace of Dundonald for the appearance of Johnne Wallace of Craigie on the 7th of January following [see *ante*, 57], and for his good behaviour meanwhile. Penalty left blank. Stirling Castle, 25th December. Caution for Wallace of Craigie.

Page 146. Two of the Border thieves and pledges that had been committed to the custody of inland lairds—"that is to say, Will Bell, sone to Jok Bell of Alby, callit Reidcloik, with James Stewart of Doun, knycht, and James Ellot, sone to Gray Will, with George Craufuird of Lefnoreis"—have been suffered to escape and pass home; "quhairthrow the Bordouraris and trew subjectis of this realme ar sensyne greitlie trublit and inquietit." Sir James Stewart of Doune and George Crawford of Lefnoreis had, accordingly, been summoned in due form to appear before the Council and show cause why they should not have to pay the penalty of 2000 pounds each incurred by their neglect of duty. As they have not made their appearance, the Council now resolves that they shall pay the penalty, and Page 147. "ordanis the thesaurar to raise and uplift the same sowme of ilkane of thame with all rigour, in exempill of utheris." [This Act does not appear in its proper place in the Record, but more than two months farther on, with intimation there that it is misplaced.] Stewart of Doune and Crawford of Lefnories to pay penalty for escape of two Border pledges.

Page 99. *Sederunt*—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Andreas, Comes de Rothes; Robertus, Dominus Boyd; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 26th December.

Complaint by Patrick, Lord Drummond, against the Earl of Montrois, as follows:—"Upoun the xxi day of December instant, Johnne, Erll of Montrois, with his servandis and complices, to the nowmer of fourtie personis or thairby, bodin in weirlyke maner, come under silence of nycht to the dwelling hous of Williame Drummond at the mylne of Nab, and inveronit the samin for apprehensioun of Duncane M°Farlane, brodergermane to Andro M°Farlane of Arrochar, and Duncane M°Coull M°Farlane in Drummond of Lennox, the said Patrik Lord Drummondis servandis, being lyand in thair beddis within the said hous; lyke as the said Erll, for putting of his divisit purpois to executioun, enterit within the said hous, and put violent handis on the personis foirsaidis, tuke thame out of thair beddis, and perforce hes transportit thame to his place of Kincardin; quhair he as yit detenis thame as captivis and prissoneris." Both parties now appearing personally, and the Earl of Montrois having alleged and produced in his justification a commission, dated the 2nd of December instant, given him by the King, "for taking of the said Duncane M°Coull M°Farlane and utheris his complices, committeris of the cruell murthour of umquhile Ra, lyke as he be vertew thairof tuke and appre-Page 100. hendit him and the said umquhile Duncane MFarlane," the Lords do two things. They ordain that the Earl of Montrois shall, under pain of Patrick, Lord Drummond, against the Earl of Montrose.

horning, "exhibit the foirsaidis personis befoir thame upoun the xxix day of December instant," then to hear the cause decided; but, at the same time, they assoilzie him from all pain and danger for what he has already done in the matter. Acta 1577-79.

Stirling Castle, 29th December.

Sederunt—Domini ut in die predicto.

In the same case: Duncan M°Coull and M°Farlane.

The Earl of Montrois, now appearing and presenting his two prisoners, according to the order last recorded, argues that one of them, Duncan M°Coull M°Farlane, having been "taikin be vertew of our Soverane Lordis commissioun for art and part of the cruell murthour of umquhile Ra," ought not to be set at liberty till he is tried. Lord Drummond, as patron of the prisoners, contends, on the other hand, that the said Duncan M°Coull ought to be released on surety for his appearance to be tried. The case having been considered, the Lords "ordanis Coline, Erll of Ergile, justice principall, to quhome the said Duncane M°Coull M°Farlane wes deliverit, to retene and caus him be kepit in suir firmance, that he eschaip not," and direct the said Duncane to be "put to the knowledge of ane assyise within the tolbuith of Striviling upon the xiii day of Januar nixt to cum."

John Young and William Morice.

Representation of John Young in Culross, as follows:—"In the moneth of October last bipast, he havand his guidis and cattell pasturand upoun the Valayfeild Mure, lyand in the lordschip of Culros, in cumpany of sindrie uther mennis guidis, and than havand occasioun for the sustentatioun of him, his wyfe, and familie, he past to the said Mure, and rekleslie tuke ane yeir auld stirk pertening to William Moreis in Schyris Mylne in waith of ane of his awin, and slew the same oppinlie in his awin hous in Culros; bot, upoun the morne thaireftir, persaving the beist not to be his awin, he past immediatlie to the said Williame Moreis and schew him the maner, and appointit betuix thameselffis thairfoir to the said Williames contentment. Nevirtheles, the said Williame Moreis, be the instigatioun of sum personis the said Johnnis unfreindis, myndis to persew him of his life as a theif, albeit he is ane trew man, knawin honest and undefamit sen he was borne, and nawayis heleit nor concelit the said stirk." Both parties being now personally present, "the Lordis of Secreit Counsale findis that the taking and slaying of the said stirk be the said Johnne Young in maner foirsaid wes done reckleslie, and thairfoir ordanis him to content and pay to the said Williame Moreis for the same stirk the sowme of thre pundis sex schillingis aucht pennyis." This is to be his complete discharge, and all criminal proceedings against him are prohibited. Page 101.

Caution for Duncan Macfarlane and Malcolm M°Gillivray.

Caution by Williame Drummond of Myllynab, in 500 merks, for Duncane M°Farlane [*ante*, p. 59 and p. 60], and in 100 pounds for Malcome M°Gillevoray, his servant, that they will appear to be tried for art and part in the slaughter of Ra, and will keep the peace meanwhile.

a 1577–7 Caution by James, Master of Glencarne, that he will, under the pains fixed by the Acts of Parliament, "present Chairlis M°Clayne and Lauchlane M°Clayne befoir the justice or his deputis in the tolbuith of Edinburgh, upon the nynt and tent dayis of Januar nixt to cum," to answer charges against them "at the instance of Adame M°Kay, Annabill M°Connell, and of our Soverane Lordis advocattis for his Hienes interes." Caution for Charles and Lauchlan M°Clayne.

Caution in £5000 by James, Master of Glencairne, and Captain Andro Cunninghame, for Lauchlane M°Clayne of Dowart, that Jonet Campbell, Lady Dowart, her tenants, &c., shall be harmless of him. Stirling Castle, 30th December. Caution for M°Lean of Dowart.

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Joannes, Comes de Montrois; Commendatarius de Cambuskynneth. Stirling Castle, 3rd January.

Williame Hammiltoun of Sanquhair appears personally, and registers an obligation made at Hammiltoun, on the 1st of January, by Sir Andro Hammiltoun of Coslingtoun, knight, and Alexander Baillie of Litilgill, binding them in £10,000 for his appearance on the 18th of January, and for his good behaviour in the meantime. The obligation had been witnessed by Williame Hammiltoun of Portmollane, George Hammiltoun, merchant of Air, Allane Hammiltoun of Farroun, Matho Hammiltoun of Lethame, Thomas Hammiltoun of Monktounhill, and Johnne Robertoun, notarr; and this registration of it is subscribed by the two cautioners, and by the same witnesses, except Allane and Matho Hammiltoun. Band for William Hamilton of Sanquhar.
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Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Buchane; Joannes, Comes de Montrois; Willelmus, Comes de Glencarne; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth. Stirling Castle, 12th January.

The King and Council, understanding "that thair is sum variance and contraversie presentlie standing betuix Lachlane M°Clayne of Dowart, his kin, freindis, assisteris, and parttakaris on the ane part, and Angus M°Connell of Dunnyveg, his kin, freindis, assisteris, and parttakaris on the uther part, quhairupoun sum slauchter and heirschip hes alreddy happanit, and forder persuit and invasioun intendit be ayther of thame to uther," ordain a charge to be given to both parties to desist from strife, and, to that effect, "to subscrive sic forme of assurance ayther of thame to uther as salbe presentit unto thame, to induir unto the first day of August nixt to cum," the penalty in case of disobedience, twenty-four hours after the charge, to be horning and escheat. M°Lean of Dowart and M°Donald of Dunnyveg.
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Stirling Castle, 15th January.

Sederunt—Jacobus, Comes de Montrois; Robertus, Comes de Buchane; Willelmus, Comes de Glencarne; Commendatarius de Cambuskynneth. Acta 1577–79.

Lord Saltoun assoilzied for liberating a Border pledge.

Whereas "Archie Batie, sone to Johnne Batie of the Scoir, plege retenit for the gude reule and quietnes of the Bordouris," was committed to the custody of Alexander, Lord Saltoun, "to be suirlie keipit, unlettin to libertie, or sufferrit to pas hame upoun band, obligatioun, or ony uther maner of conditioun, without expres warrand and commandiment of our Soverane Lord and his Regentis for the tyme, under the pane of twa thowsand pundis;" and whereas the said Lord Saltoun has, notwithstanding, "sufferit him to depairt and pas hame, quhairthrow the Bordouris and trew subjectis of this realme ar sensyne greitlie trublit and inquietit;" yet, the said Lord Saltoun having been summoned to answer the charge, and now appearing by Robert Johnnestoun, his servant, who produced a letter of date September 3, 1577, subscribed at Haliruidhous by Regent Morton, "direct to the said Lord, willing him to let the said Archie Batie to libertie," the Lords therefore now assoilzie Lord Saltoun simpliciter.

Stirling Castle, 16th January.

Band for Lauchlan M°Lean of Dowart.

Band given in by "Capitane Andro Cunninghame, procuratour specialie constitute be Williame, Erll of Glencarne, and James, Master of Glencarne, his sone and appeirand air," to the effect that they become cautioners "for Lauchlane M°Clayne of Dowart, that the said Lauchlane, be himself, his kin, freindis, men, tennentis, servandis, nor na utheris that he may let, sall invaid, molest, trubill, nor persew, Johnne, Bischop of the Ylis, his kin, freindis, men, tennentis, and servandis in tyme cuming,"—the penalty to be £5000. The obligation is subscribed by the Earl and his son. [The Act is misplaced in the Record, not appearing till among the documents of the following March 3, but with direction there for its insertion here.] Page 147.

Stirling Castle, 18th January.

Non-appearance of twenty-two Border lairds who had been summoned.

The following persons had been summoned to appear this day to hear it decreed that they had incurred certain penalties under two precepts of Lord Ruthven, his Majesty's treasurer, Lord Lieutenant of the Borders, viz.:—Robert Ellot of Reidheuch; Sir Thomas Turnbull of Beddroule, knight; Walter Ker of Litilden; Johnne Mow of that Ilk; Walter Scot of Goldelandis; Johnne Murray, son of the Sheriff of Selkirk; James Gledstanis of Coklaw; James Langlandis of that Ilk; Williame Turnbull of Bernehillis; Johnne Carmichaell, younger, of that Ilk; Walter Scot, younger, of Tuschelaw; Martine Ellot, in Braidley; Gawen Ellot, sometime in Newbigging, and now in Swinsteis; Sym Armstrang of Mengertoun; Lancy Armstrang of Quhithauch; Johnne Turnbull of Mynto; Richart Rutherfuird, provost of Jedburgh; James Davidsoun, in Birnerig; Will Scot, in Montbernger; Will Ellot, called Eldar Will; Adie Ellot, called Cawdais; and Hob Ellot of the Hewchhous. None of the said Page 148.

1577–79. parties now appearing, it is ordered that they "be callit of new the morne," and then, if absent, proceeded against. [This entry and the four following are also out of their proper places in the Record. They appear at March 3, 1578–9, with a note indicating that they had been omitted.]

Sir Alexander Jardine of Applegarth to pay for an escaped Border pledge.

Summons having gone out in due form to Sir Alexander Jardane of Apilgirth, knight, calling upon him to answer for having let Williame Irvin of Graitnahill, a Border pledge committed to his custody, escape and pass home, and the said Sir Alexander not having appeared to show cause why he should not have to pay the penalty of 2000 pounds he had incurred, the Council "ordanis the Thesaurar to raise and uplift the said sowme of him with all rigour, in exempill of utheris."

Stirling Castle, 19th January. Exoneration of Lord Ruthven for his late lieutenancy on the Borders.

"The quhilk day, in presens of the Kingis Majestie and Lordis of Secreit Counsale, Williame, Lord Ruthven, thesaurar of Scotland, and lait lieutenent to our Soverane Lord owir all the boundis of the Marchis of this realme foranent England, exponit and declairit the forme and ordour of his procedings at the saidis Marchis, alsweill in administratioun of justice
Page 149. as tuicheing the letters and messages that past betuix him and the wardanis of England, and suirteis ressavit of personis to compeir befoir his Majestie and his said Secreit Counsale the xv and xviii dayis of Januar instant, requiring his Majestie and Lordis of Privie Counsale to gif thair declaratioun quhidder he hed done and accomplischit the charge committit to him weill and sufficientlie or not. Oure Soverane Lord and his said Privie Counsale, having advisedlie considderit the haill proceidings of the said lord lieutennent and thesaurar abonewrittin, findis and declairis that he hes dewlie, worthelie, and sufficientlie done and performit his dewitie in all and sindrie the premissis, and thairfoir exoneris and dischairgis him of the samyn for evir be thir presentis."

Decisions about the Border Lairds who had become sureties for certain Border thieves.

Resumption of the business of the defaulting Border Lairds, which had been adjourned from the preceding day [*ante*, p. 62]. The facts, as they appeared from the precepts of Lord Ruthven, King's Treasurer, Lieutenant-General and Justice in the West Marches, were as follows:—I. "In the justice air of Roxburgh, haldin and begun within the tolbuith of the burgh of Jedburgh, the tent day of November, the yeir of God j^{m}v^{c}lxxvi yeiris, the personis underwrittin become plegis and souirteis for the utheris personis efter specifiit, upoun the conditionis and under the panis respective following: that is to say, Robert Ellot of Reidheuch, plege and souirtie for Johnne Ellot, callit Jok the Gyde, that he sould abstene fra thift and resset of thift in tyme cuming, under the pane of five hundreth pundis; Thomas Turnbull of Beddroule, knycht, plege and souirtie for Adame Turnbull in Ovir Hassindane, callit Reid Adie, that he sould abstene, etc., under the pane of v^{c} merkis; Wat Ker of Litilden, plege and souirtie for Adie Robsoun in Dolphingstoun, callit Adie of Thorbrandisheuch, that he sould abstene, etc., under the pane of five hundreth pundis; Johnne Mow

of that Ilk, plege and souirtie for Andro, *alias* Dand, Young, callit Canker, Acta 1577–7
and Thome Young, callit Nakas, that they sould abstene, etc., under the pane of five hundreth merkis; Sym Armstrang, sone and appeirand air to Lancie Armstrang of Quhithauch, as principall, Sir Thomas Turnbull of Beddroule, knycht, Walter Scot of Goldelandis, Sym Scot, tutour of Thirlstane, and Robert Ellot of Reidheuch, cautioneris and souirteis conjunctlie and severalie for the said Sym Armstrang, younger, of Quhithauch, that he during all the dayis of his life sould continew ane obeydient subject to our Soverane Lord and the auctoritie of this realme, and on na wayis commit thift nor wilfull resset thairof, under the pane of ane thowsand pundis; Johnne Murray, sone to the Shereff of Selkirk, plege and souirtie for James Tait in Skaddoneis, that he sould abstene, etc., under the pane of five hundreth merkis; Thomas Turnbull of Beddroule, knycht, plege and souirtie for Martine Crossar in Beddroule, Martine Crossar younger, his sone, and Archie Thomsoun, servand to the said Thomas, that they during all the dayis of thair lyvis sould continew, etc. [same as for Sym Armstrang above], under the pane of v^{c} lib." II. "In Page 150.
a court of justiciarie, haldin and begun in the tolbuith of Edinburgh, upon Waddynnisday the xii day of Februar, the yeir of God j^{m}v^{c}lxxvi yeiris foirsaid, thir personis underwrittin become plegis and souirteis for the utheris personis, thevis eftir specifiit, in maner and upoun the conditionis eftir following: thay ar to say, Thomas Turnbull of Beddroule, knycht, Robert Ellot of Reidheuch, Gawen Ellot of Fallinesche, and Walter Scot of Goldelandis, plegis and souirteis, conjunctlie and severalie, for Hob Ellot, callit Mirk Hob, in Pencryise, that he sould abstene, etc., under the pane of five hundreth pundis; Walter Scot of Goldelandis, James Gledstanis of Coklaw, and James Langlandis of that Ilk, plegis and souirteis, conjunctlie and severalie, for Mathow Litill in Lairhowp, and Adame Warrok in Braidley, that they sould abstene, etc., ayther of them under the pane of five hundreth pundis; Sir Thomas Turnbull of Beddroule, knycht, Robert Ellot of Reidheuch, Gawen Ellot of Fallinesche, and Walter Scot of Goldelandis, plegis and souirteis, conjunctlie and severalie, for Hob Ellot, callit the Vicaris Hob, that he sould abstene, &c., under the pane of v^{c} lib.; Walter Scot of Goldelandis, James Gledstanis of Coklaw, and James Langlandis of that Ilk, plegis and souirteis, conjunctlie and severalie, for George Ellot, callit the Cleg, and Johnne Stoddart, cobilman to the Lard of Langlandis, that they and ayther of thame sould abstene, etc., ilk person under the pane of five hundreth pundis; Sir Thomas Turnbull of Beddroule, knycht, and Williame Turnbull of Bernehillis, plegis and souirteis, conjunctlie and severalie, for Hekie Turnbull, David Turnbull, George Turnbull, and Johnne Turnbull, sonis to umquhile Adame Turnbull in Belsis, that thay sould abstene, etc., ilk persoun under the pane of five hundreth pundis; Johnne Johnnestoun of that Ilk and Alexander Jardane of Apilgirth, plegis and sourteis, conjunctlie and severalie, for Andro Armstrang, callit Reid Andro in Eilrig, that he sould abstene, etc., under the pane of five hundreth pundis." The

1577-79. complaint is that, "nevirtheles, the saidis personis, thevis abonewrittin, hes brokin and contravenit the conditioun abonespecifiit, having committit diverse crymes of thift and resset of thift sen the justice air and justice court abone mentionat, and, being chairgit to underly the law thairfoir, other hes confessit the same, or then has absentit thameselffis, and ar declairit fugitives fra the lawis thairfoir, and thairthrow thair saidis souirteis, conjunctlie and severalie, aucht to be decernit and adjugit to have incurrit the panis respective abonewritten, and letters of horning or
Page 151. poinding to be direct for payment thairof." And now, "the saidis Sir Thomas Turnbull of Beddroule, knycht, Walter Ker of Litilden, Johnne Murray, sone to the Sheref of Selkirk, and James Gledstanis of Coklaw, compeirand personalie, and the saidis Robert Ellot of Reidheuch, Walter Scot of Goldelandis, James Langlandis of that Ilk, and Williame Turnbull of Bernehillis, oftymes callit and not compeirand," the decision is as follows:—Turnbull of Beddroule and Gledstanis of Coklaw having shown no reasonable cause to the contrary, the Council adjudges them to have incurred the penalties, "and ordainis letters to be direct for poinding and comprysing of the reddyest of ayther of thair movabill guidis and geir, and, failyeing of thair movabill guidis, to appryse thair landis, conforme to the Act of Parliament." For "the saidis Robert Ellot of Reidheuch, Walter Scot of Goldelandis, James Langlandis of that Ilk, and Williame Turnbull of Bernehillis," the judgment is the same, on the ground that they have not appeared at all. The Council, however, "assoilyeis the saidis Walter Ker of Litilden, Johnne Murray, sone to the Sheref of Selkirk, Johnne
Page 152. Mow of that Ilk, fra the precept and pane abonewrittin simpliciter in tyme cuming, becaus the said Adie Robsoun of Thorbrandisheuch wes eftir the directioun of the said precept enterrit be the said Walter Ker of Litilden, and not convict of ony thift, and the said Johnne Murray verifiit that he was not dewlie warnit to entir the said James Tait, dwelling in ane uther sherefdome, to the said justice court, as alsua it wes verifiit in the same court in the name of the said Johnne Mow of that Ilk, that the saidis Dand and Thomas Youngis wes at the tyme of the said court enterit and lyand for the pament of billis in England, and the said James Langlandis enterit the said Johnne Stodart, his cobilman, to the said lord lieutenant and justice, quha wes deliverit in the sheref of Roxburch his handis, like as wes alsua understand to the saidis lordis."

Farther details in the business of the Border Lairds.

In the same general business reported by Lord Ruthven it is further specified that the following cautions had been "actit and registrat" in the Books of the Privy Council itself:—"That is to say, Johnne Carmichaell, younger, of that Ilk, plege and souirtie that Andro Armstrang, callit Lang Andro, in the Hairlaw, sould remane in ward with Patrik Kyninmouth of Craighall, and on nawayis eschaip nor eschew under the pane of twa thowsand pundis; the said Johnne Carmichaell, plege and souirtie for Hob Ellot, callit Scottis Hob, that he sould re-enter agane in plege and ward with Williame Cuninghame of Caprintoun, quhen he

sould be requirit, under the pane of twa thousand pundis; the said Acta 1577–
Johnne Carmichaell, plege and souirtie that young Clemme Crossar, sumtyme in Hummyll Knowis, sould re-entir agane in ward with Johnne Maxwall in Nathir Pollok, under the pane of twa thowsand pundis; Walter Scot, younger, of Tuschelaw, plege and souirtie to have enterit Archie Ellot, callit Archie Kene, within the castell of Down, in Monteith, at ane certane day of lang tyme bigane, under the pane of twa thowsand pundis; Robert Ellot of Reidheuch, Martine Ellot of Braidley, and Gawen Ellot, then in Newbigging, and now Swinsteis, plegis and souriteis to have enterit and presentit Adie Ellot, callit Adie of the Schawis, befoir our Soverane Lord, his Regent for the tyme, and Privie Counsale, at a certane day of lang tyme bigane, under the pane of five hundreth pundis, and forder under the pane of perjurie, defamatioun, repreif and tinsell of perpetuall credeit, honestie and estimatioun; Sym Armstrang of Mengertoun, and Lancie Armstrang of Quhithauch, plegis and souirteis that all thair freindis and servandis under thair plegis sould keip gude reule, in cais ony of thame other offendit againis the subjectis of England or Scotland, and that they sould entir befoir our Soverane Lord his justice, or the kepar of the cuntrie, quhen they sould be requirit on sex dayis warning, ilk persoun under the pane of twa thowsand merkis, and, further, under the pane of repreif; Sir Thomas Turnbull of Beddroule, knycht, Johnne Page 153.
Rutherfuird of Hunthill, Johnne Turnbull of Mynto, and Richart Rutherfurd, provest of Jedburgh, plegis and souirteis, conjunctlie and severalie, to entir James Davidsoun in Birnyrig, befoir our Soverane lord, his regent and counsale upoun xv dayis warning, under the pane of ane thowsand merkis; Richart Rutherfuird, provest of Jedburgh, Williame Rutherfuird, Williame Alie, baillies thairof, and James Davidsoun of Birnyrig, plegis and souirteis, conjunctlie and severalie, that Robert Davidsoun and George Davidsoun, brether to the said James, sould behave tham selffis as guid and dewtifull subjectis to our Soverane Lord and his auctoritie in tyme cuming, and sould relief the Kingis Majestie and his wardane for ony offence committit or to be committit be thame aganis the subjectis of England during the tyme of the peax, and sould entir thame befoir his Hienes and Counsale upon xv dayis warning, ilk persoun under the pane of five hundreth pundis; Robert Ellot of Reidheuch, and Martine Ellot of Braidley, plegis and souirteis conjunctlie and severalie, that Hob Ellot of the Park, plege for the gang thairof, sould remane and keip his ward with Williame Portarfeild of Duchall, and on nawayis eschaip nor eschew quhill he war lauchfullie fred and relevit, under the pane of twa thowsand pundis, and forder under the pane of perjurie, infamy, and tinsell of perpetuall credeit; Martine Ellot of Braidley, and umquhile Johnne Ellot of the Park, plegis and souirteis conjunctlie and severalie, that Symmy Ellot of the Park, placit with the Lard of Corstorphin, sould not eschaip nor eschew furth of his hous and cumpany without speciall licence and warrand, under the pane of twa thowsand pundis; Johnne Carmichaell,

1577–79. younger, of that Ilk, and Will Scot in Montbernger, plegis and souirteis conjunctlie and severalie to have enterit Johnne Ellot, callit of the Dewisleis, and Andro Ellot, callit the Wowaris Andro, befoir our Soverane Lord and his Regent for the tyme, within a certane space of lang tyme bigane, under the pane of ane thowsand pundis; Martine Ellot of Braidley, and Robert Ellot of Reidheuch, plegis and souirteis conjunctlie and severalie, that Archie Ellot, deliverit as plege in keiping to George Ramsay of Dalhoussy, sould not eschaip nor eschew, under the pane of thre thowsand merkis; Martine Ellot of Braidley, Will Ellot, callit Eldar Will, umquhile Johnne Ellot of the Park, Adame Ellot, callit Cowdais, Hob Ellot of the Heucous, umquhile Hob Ellot, callit Clemmentis Hob, plegis and souirteis, conjunctlie and severalie, to enter Johnne Ellot of the Heuchhous, and Hobbie Ellot, sone to Eldar Will, to Johnne Cockburne of Ormestoun, and Williame Lawder of Haltoun, within thair awin strenth, quhen they sould be requirit on aucht dayis warning, under the pane of foure thowsand merkis money of this realme." [In connection with the foregoing, see *ante*, pp. 41, 42, 43, 62, 63, and vol. ii. pp. 43, 44, 45, 118, 120, 272, 372, 514, &c.]—These being the facts, the complaint is that, "nevirtheles, the said Lang Andro Armstrang hes brokin and eschapit furth of his said ward; the said Hob Ellot, callit Scottis Hob, hes not re-enterit agane in ward with the said Lard of Caprintoun; the said young Clemmy Crossar hes not re-enterit in ward with the said Lard of Nether Pollok; the said Archie Kene hes not re-enterit
Page 154. agane within the said Castell of Doun in Menteith; the said Adie Ellot of the Schawis hes not bene enterit befoir the Kingis Majestie and the Privie Counsale at the day bigane; the freindis and tennentis of the saidis Lairdis of Mengertoun and Quhithauch hes not keipit gude reule, bot hes offendit aganis the subjectis of Scotland and England; the said James Davidsoun in Birnerig, Robert Davidsoun, and George Davidsoun, his brether, hes not compeirit befoir the Kingis Majestie and Counsale to answer for discharge of thair saidis bandis; the said Hob Ellot of the Park hes not remanit bot eschaipit fra the said Williame Portarfeild of Duchall; the said Symme Ellot of the Park hes not remanit bot eschaipit fra the Lard of Corstorphin; the said Johnne Ellot of Dewisleis, and Andro Ellot, callit the Wowaris Andro, hes not enterit to our Soverane Lord and his said Regent for the tyme; the said Archie Ellot of the Hill hes not remanit bot eschaipit fra the said Lard of Dalhoussy; the saidis Johnne Ellot of the Heuchhous, and Hobbie Ellot, sone to Eldar Will, hes not enterit to the saidis Lairdis of Ormistoun and Haltoun within thair awin strenth: and thairfoir the saidis personis, conjunctlie and severalie, thair cautionaris and souirteis, aucht to be decernit and adjudgit to have incurrit the panis abonespecifiit and letters of horning or poinding to be direct upoun thame for payment thairof." And now, "the saidis Johnne Carmichaell younger of that Ilk, Wat Scot of Tuschelaw, and Sir Thomas Turnbull of Beddroule, knycht, compeirand personalie, and the saidis Robert Ellot of Reidheuch, Martine Ellot of Braidley, Gawen Ellot sumtyme in New-

bigging, and now in Swinsteis, Sym Armstrang of Mengertoun, Lancy Armstrang of Quhithauch, Johnne Turnbull of Mynto, Will Scot in Montbernger, Will Ellot, callit Elder Will, Adie Ellot, callit Cowdais, and Hob Ellot of the Heuchhous, being oftymes callit and not compeirand," the Lords decide (1) that the said Johnne Carmichaell younger of that Ilk, and Walter Scot younger of Tuschelaw, "have incurrit ather of thame the panis respective abonewrittin," having shown no reasonable cause to the contrary, and that letters to that effect be issued; (2) that "the saidis Robert Ellot of Reidheuch, Martine Ellot of Braidley, Gawin Ellot, sumtyme in Newbigging and now in Swinsteis, Sym Armstrang of Mengertoun, Lancy Armstrang of Quhithauch, Johnne Turnbull of Mynto, Will Scot in Montbernger, Will Ellot, callit Elder Will, Adie Ellot, callit Cowdais, and Hob Ellot of the Heuchhous," have also "incurrit ilkane of thame the panis respective abonewrittin," and that letters be issued accordingly, inasmuch as they have not appeared at all; (3) that "the said Sir Thomas Turnbull of Beddroule, knycht, Richart Rutherfuird, provest of Jedburgh, James Davidsoun of Birnyrig, and the remanent thair collegis," be assoilzied, "becaus the said James Davidsoun of Birnerig, Robert and George Davidsonis, his brether, fand souirtie that they sould compeir and underly the law in the nixt justice court of Roxburch, lyke as wes alsua understand to the saidis Lordis." Acta 1577–79 Page 155.

Stirling Castle, 19th January.

Sederunt—Colinus, Comes Ergadie; Willelmus, Comes de Glencarne; Andreas, Comes de Rothes; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven;[1] Commendatarius de Dunfermling; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth. Page 103.

Complaint against Hamilton of Sanquhar dismissed.

Refers to the complaint by Johnne Wallace of Craigy against Hammiltoun of Sanquhar [*ante*, p. 57 and p. 61], but states that complaint more clearly, as follows:—"In the moneth of Junii last bipast, Cuthbert Richartsoun, messinger, past with our Soverane Lordis letteris rasit at the instance of Annabill Wallace, sister to the said Johnne, and chairgit Williame Hammiltoun of Sanquhar, hir spous, to mak payment to hir of the sowme of fourtie pundis modifiit unto hir be the commissaris of Edinburgh for hir expenssis during a certane tyme that he repudiat and pat hir away frome his societie and cumpany; at the quhilk tyme the said Williame not onlie boistit the said officiar and gave him mony injurious wordis, but alsua proudlie and maisterfullie reft the saidis letters fra him, and raif thame all in pecis, in hie contemptioun of our Soverane Lordis auctoritie and lawis." And now, "the said Williame Hammiltoun being warnit to answer, and he compeirand personalie, with Williame Hammiltoun of Portmollane, his prelocutour, and the said Johnne Wallace being alsua personalie present, with Hew Wallace of Carnell, his prelocutour," the issue is that "the Page 104.

[1] Lord Ruthven here reappears in the Council meetings, after having been absent for some little time on his Commission of Lieutenancy on the Borders. He had discharged that commission, says Spotswood (p. 304), "with great commendation."

1577-79. Lordis of Secreit Counsale assoilzeis the said William Hammiltoun fra the said complaint and contentis thairof, tuicheing the said deforcement, simpliciter in tyme cuming," on the ground that Wallace had failed to prove his allegations.

Adjourned case of John Lockhart and others against Hew Campbell, younger, of Loudoun, and others, as to the Provostship of Ayr.

The adjourned case of Johnne Lokart, late Provost of Ayr, and others, against Hew Campbell, younger, of Loudoun, and others, anent the alleged miselection of Campbell to be Provost of Ayr [see *ante*, p. 44, and p. 47]. The complaint of the pursuers is now stated more specifically. They allege that, "quhair amangis utheris the liberteis and privilegis grantit be our Soverane Lord and his nobill progenitouris to the burrowis of this realme it is specialie providit that na man be chosin provest, baillies or auldermen within burgh, bot they that ar honest and substantious burgessis, merchantis, and indwellaris of burrowis, under the pane of the tinsell of thair fredome that dois in the contrair, as alsua that nane have jurisdictioun within burgh bot gif thay use marchandice, and that nane within burgh sall purches out lordschip, as in the lovabill actis and lawis maid thairupoun at mair lenth is contenit, and, according to the samyn, be his Hienes speciall letter direct unto the saidis complineris of the dait the xxiii day of September last bipast, thay war expreslie willit that thair sould be nane electit in the place of the said Johnne Lokart, last provest, gif they war myndit to change, bot sic a ane as dwelt and remanit within thair awin toun, being a frie burges, nevirtheles, quhen the saidis complineris, according to the lawis of this realme, thair ancient privilege and lovabill custume, and his Hienes awin letter aggreing thairwith, wer myndit to have electit thair provest, baillies, and counsale for the yeir present, Hew Campbell of Lowdoun, younger, sone and appeirand air to the Shereff of Air, procurit himself to be nominat and electit provest, and George Jamesoun baillie of the said burgh, be certane fremen and inhabitantis of the samyn, nowther being the gretest part of the communitie, nor yit of the maist honest and discreit sort thairof, aganis the lovabill forme observit heirtofoir, not onlie expres aganis the lawis and actis of Parliament, and hazard of the tinsell of the fredome of the said burgh, bot contrair to the effect of his Hienes awin letter, and tending to the ruyne and desolatioun of the said puir burgh, gif remeid be not
Page 105. providit." Parties having been called, "and the saidis Johnne Lokart, Edward Wallace, George Kennedy, and George Lokart, compeirand personalie, with Maister Johnne Skene, thair prelocutour, and the said Maister Johnne compeirand alsua as procuratour for certane utheris merchandis, craftismen and inhabitantis of the said burgh, persewaris, and the saidis Hew Campbell and Robert Campbell compeirand alsua personalie for thameselffis and in name of the remanent personis abonewritten, defendaris," it is alleged, on the part of the defenders, "that the said electioun wes lauchfullie and dewlie done be the maist part of the burgessis, marchandis, and indwellaris of the said burgh, conforme to the ordour heirtofoir observit within the samyn," and also to the custom

"observit for the maist part be all the burrowis of this realme," whatever might be the Acts of Parliament founded on by the complainers. "To the quhilk it wes answerit be the said Maister Johnne, in name of the saidis complineris, that the foirsaidis Actis of Parliament quhairupoun thair libell is foundit is groundit upoun diverse and sindrie utheris Actis, maid be King James the Thrid and Ferd, of worthy memorie, to the same effect; quhilkis, being publischit and prentit to be kepit as lawis, and be our Soverane Lordis moder ordanit to be keipit as lawis, may nawyise be abrogat, innovat or alterit, bot be Parliament; and, in sa far as it is allegit that the contrair of the saidis Actis hes bene observit be utheris burrowis, the samyn wes done be consent of the same burrowis, at the leist not complenand, and that thairfoir thair deid or silence sould not hurt nor prejudge the saidis complineris cravand executioun of the lawis." The Lords of Council, on consideration, can do nothing more than remit "the said mater, in the samyn proces, force and effect as it is now, but prejudice of partie, to the Lordis of Counsale and Sessioun, to be procedit upoun quhair it left, and decydit be thame as accordis." Campbell at once protested that this deliverance of Council should not in any way prejudice his right to hold the provostship till the final decision should be given; and John Skene, as prolocutor for the other side, "in thair names protestit in the contrair." Acts 1577-79.

Stirling Castle, 20th January.

Sederunt—Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Comes de Glencarne; Willelmus, Dominus Ruthven; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth.

Michael Carlyle and others against George Dowglas of Parkhead.

There is a complaint by Michaell Carlile, son of the late Michaell, Lord Carlile, Alexander Sinclair, brother of Williame Sinclair of Auchinfranco, William Maxwall, brother of Johnne Maxwall of Lambriddin, Williame Assloyane, brother of the Laird of Garroch, and Petir Carlile, brother of the said Michaell, against George Dowglas of Parkheid, as follows:—The said Douglas, "allegeand him to have the gift of the ward, non-entres and releif of the lordschip of Carlile, and the marriage of the air thairof, obtenit ane decreit of the Lordis of Secreit Counsale and letters thairupoun, chargeing the saidis personis to deliver to him, or to his servandis in his name, the place and fortalice of Torthorwald, and to remove thame, thair servandis, and guidis thairfra within xxiiii hours nixt eftir the charge, under the pane of rebellioun, and failyeing thairof to put thame to the horne." While these letters were being "execute upoun thame be Ewstage Creychtoun, messinger, upoun the xvi day of Junii last bipast, at the marcat croce of Drumfreis, the said Michaell Carlile come to the said burgh for obeydience of the saidis letters, and wes reddy to deliver the said hous, and offerrit the samyn to the said messinger, executour of the saidis letters, or ony uther that wald ressave the samin, and that be ane lowd voce and oppin pro- Page 106.

1577-79. clamatioun at the said marcat croce of Drumfreis." None had then offered to receive the house; and "upoun the morne, the xvii day of the said moneth of Junii the yeir of God foirsaid, the saidis Michaell Carlile, Alexander Sinclair, Williame Maxwall, Williame Assloyane, send Andro Cunninghame, burges of the said burgh of Drumfreis, and procuratour for thame and in their name, to the said Ewstage Creychtoun, messinger, than being in Sanquhar, and offerit to him or to ony utheris servandis to the said George Dowglas the foirsaid hous to be deliverit." The messenger's reply was "that he had put the saidis personis to the horne" the previous day, and that, having "indorsit the saidis letters and send thame away to the said George Dowglas," he "wald not cum to ressave the said hous." No other servants of Douglas were present and the delivery could not be made. "Attour, the said Ewstage Creychtoun, upoun the xxiiii day of the said moneth of Junii last bipast, chairgit the saidis complineris of new agane be utheris letters to deliver the said hous, place and fortalice, to the said George Dowglas or his servandis in his name within uther xxiiii houris nixt eftir the charge, under the pane of tressoun; and, incontinent eftir the said charge, and upoun the said day, the saidis complineris removed thameselffis and all thair servandis and guidis furth of the said hous and left the samyn; and Hew Mure, servand to the Lord Maxwall, deliverit the foirsaid hous to Johnne Dowglas, sone and air to umquhile Johnne Dowglas in Dalpedder, servand to the said George Dowglas, and in his name havand his commissioun to ressave the samyn." Written proof of this is produced; and the complainers plead that, as they have really and punctually "obeyit the command of the saidis letters baith of horning and tressoun," these letters should be suspended simpliciter. And now, "the said Michaell Carlile compeirand personalie, for himself and in name of the remanent complineris abonewrittin, and the said George Dowglas compeirand alsua personalie, quha producit the saidis letters baith of horning and tressoun," it is decided that the letters have been "sufficientlie obeyit," and therefore are to be suspended.

Page 107. The complainers are "Williame, Lord Ruthven, thesaurer to our Soverane Lord, and the nobilmen, gentilmen and baronis within the boundis of the sherefdome of Drumfreis." They understand that the King, "at the motioun and desyir of the Lordis of Counsale and Sessioun, hes grantit commissioun of the commissarie of the jurisdictioun of Drumfreis to Maister Homeir Maxwall, displaceing thairfra Maister Archibald Menzeis, quha hes occupyit and usit that charge and office thir xxxvi yeiris bigane, to the gude lyking and contentment of the maist part of thame all;" and they represent that "the said Maister Archibald" has been hardly treated, and that "this new commissioun of jugement owir tham and thair tennentis" has been "rather privilie purchest nor gevin upoun ony suir knawlege of the estait of the cuntrie and quhat war maist convenient for the same." Both the displaced official and his successor had, accordingly, been summoned to appear before the King and Council, "bringand

Commissaryship of Dumfries: Archibald Menzies and Homer Maxwell.

with ayther of thame thair commissioun gevin of the commissarie abone-writtin, togidder with the presentatioun and decreit gevin and pronuncit aganis the said Maister Archibald, to the effect the ground and circumstances of depryving of the ane and placeing of the uther mycht have bene considerit." And now, "the said Williame, Lord Ruthven, and Johnne, Lord Hereis, compeirand personalie for thame selffis and in name of certane utheris gentilmen and baronis dwelland within the boundis of the said sherefdome, and the saidis Maister Archibald Menzeis and Maister Homeir Maxwall being alsua personalie present, and Maister Johnne Skene compeirand lykwayis personalie, quha producit ane supplicatioun direct fra the Lordis of Counsale and Sessioun, declairing that the said Maister Archibald, for certane caussis contenit in our Soverane Lordis letters and decreit gevin be thame, wes maist justlie deprivit fra the said office, and thairfoir craving that, in respect the mater concernit thame and thair privilegis, that the samyn mycht be remittit to thame to be decidit be thame as accordit," the Lords remit accordingly. Acta 1577–79

Suspension of letters of horning against Sim Scott.

Reappearance of Sym Scot of Wintirburch, in the matter of the former Council order of October 14, 1578 [*ante*, p. 39]. He alleges that Robert Scot of Thirlstane, his three curators, and his mother, the parties there pursuing, and who obtained decreet ordering him to surrender the place of Thirlstane, "hes, for allegit not randering of the samin, of verray malice cawsit denunce him his Hienes rebell and put him to the horne, albeit it be of veritie that he wes reddy at all tymes to have randerit the said hous gif he onywyise hed gottin knawlege of the said charge, lyke as he, immediatlie eftir the requisitioun thairof, be Johnne Murray, sheref-depute of the sherefdome of Selkirk, to quhom commissioun wes gevin for persute and recovering of the samyn, deliverit the keyis thairof to the said sheref-depute, and removed himself, his servandis and guidis, furth of the samyn." Therefore, as he had acted in the first instance "not upoun ony contempt of our Soverane Lord or his auctoritie, bot onlie upon meir ignorance of the said charge, quhilk wes nayther gevin to the said Sym Scot personalie nor at his dwelling place, nor na uther intimatioun maid thairof to him," and as he "hes now randerit the said hous," he prays the suspension of the letters and process of horning. His opponents have been summoned to hear the matter; and now, "the said Sym Scot compeirand personalie, and the saidis Robert Scot and Johnne Johnnestoun of that Ilk, ane of his curatouris, being alsua personalie present, with Maister Henrie M^c^Calyeoun thair prelocutour, and the said Maister Henrie compeirand alsua as procuratour for the saidis Thomas Turnbull, James Gledstanis and Margaret Scot," the Lords do suspend the foresaid letters; caution having been found by Scot that he "sall restoir and deliver the said place of Thirlstane, with all uther houssis belangand thairto, to the said Robert Scot of Thirlstane, or ony utheris in his name havand his power to ressave the same, upoun the xv day of Februar nixt to cum." Page 108.

1577-79. Caution to that effect is given for Scot by Andro Ker of Fawdounsyde, the penalty to be five hundred pounds. Caution for Sim Scott.

"The quhilk day Johnne, Lord Hereis, presentit to the Kingis Majestie ane discours of the present estait of the West Marche of this realme foranent England, with his avise tuicheing the gude reule and governing thairof; quhilk being red in presens of his Hienes and Lordis of his Privie Counsale, becaus the Lord Maxwall affermit that the said advise tuicheit him to his hurt and prejudice, he requirit to be advised thairwith; quhilk requeist being grantit, the said Discourse wes deliverit to him."[1] "Lord Hereis presentit ane Discours of the estate of the West Marche."

Page 109. "Forsameikle as Johnne, Lord Maxwall, declairit to the Lord Ruthven, lieutennant, at Drumfreis, that he had not in effect acceptit on him the charge of the West Wardanerie, bot wes onlie moved to retene it still quhill his cuming to the Kingis Majestie, and then other to tak in hand the serving of it or to gif it owir: thairfoir the said Lord Maxwall wes requirit presentlie quhidder he wald retene the charge of the West Wardanerie or not; quha, taking him to be advised thairwith, promised to gif his answer in writ the morne; and, that he mycht the better understand the state of the cuntrie, quha wer obeydient or inobeydient, had the buik of the pleges deliverit to him, lykwyise to be advisit with." "Lord Maxwell anent the Wardanrie."

Sederunt—Joannes, Comes de Montrois; Willelmus, Comes de Glencarne; Andreas, Comes de Rothes; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Commendatarius de Dryburgh; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth. Stirling Castle, 21st January.

"The quhilk day Johnne, Lord Maxwall, presentit a roll of the names quhom he estemit inobeydient within the boundis of the West Marche, to the nowmer of five hundreth or ma; as alsua presentit his answer in writ, anent the retening and serving of the service of the wardanerie; quhairof the tennour followis:— "Lord Maxwellis answer anent the office of Wardanrie."

Quhairas your honorabill Ll. desiris to knaw gif I will retene the charge upoun the West Marche ony langer or not: My Lordis, I am verray weill myndit not onlie to bestow my travell, panis and expenssis, bot also, gif necessitie sall require, to hazard my life and landis, with all thame that will do for me, in avancement and furthset of our Soverane Lord his Majesteis service, as sall lyke his Hienes to command, my sobir power alwayis being respectit. For answer in particular to your Ll. demand, I salbe weill content to continew in office, gif that sa it sall pleis his Majestie and your honorabill Lordships to se me have universale obeydience of all his Majesteis subjectis within that jurisdictioun without exemptioun.

[1] See the Discourse and Advice of Lord Herries, as entered subsequently in the Council Books at large, under date January 23.

The narrest way for his Hienes to caus me thus universalie to be obeyit, in my opinioun, is that, gif ony nobill man, barroun, or utheris his Majesteis immediat tennentis within the saidis boundis, happanis heirefter to failyie in fulfilling of thair generall band, the complaint of the brek being maid to his Hienes, that than his Majestie sall, efter dew tryell, puneis the failyear. Acta 1577-79.

Nixt, seing thair remanis as yit ane greit nowmer of fugitives dissobeydient, with quhom na barroun nor uther his Majesteis obeydient tennentis may justlie be burdynnit upoun the generall band, I wald understand quhat uther forme of securitie ony of thame hes fund for thair obeydience in tyme cuming; and, gif ony of thame hes not yit maid sufficient securitie to the effect abone specifiit, than I think it requisite that ane cumpany of horsmen be leviat and intertenyit, according to the nowmer of the saidis fugitives, that may be abill to suppres thair insolence, and reduce thame to obeydience.

Also, I desyir that it may pleis his Majestie to grant me als fre and ampill commissioun as ony uther my predecessouris in the said office had of befoir; and that na fugitives being anis denuncit be ressavit agane to peax bot be me, or at the leist my advise be had thairto: utherwayis the office will be lithlyed. Page 110.

Last, that I be thankfullie answerit of my fieis and dewiteis bigane and to cum induring my service in the said office.

And, gif it sall pleis his Majestie to caus big his Hienes hous in Annand, it wald farther meikle the obeydience of the cuntrie in tyme of peax, and strenth the Bordour in tyme of weir."

"Lancy of Quhithauch promeis to mak his men answerabill."

"The quhilk day Lance Armstrang of Quhithauch promeist to mak all his tennentis and servandis, and for quhom his plege lyis within the boundis of the West Marche, answerabill to the wardane and justice of the West Marche, alsweill for redres of all complaintis of England as for obeydience to the lawis of this realme; and the said Lancy submittit himself to the jurisdictioun of the said warden of the West Marche in this caise."

Stirling Castle, 22d January. Caution for William Hamilton of Sanquhar.

Caution by Johnne Dumbar of Barmure, and Williame Hammiltoun of Portmollane, for the appearance of Williame Hammiltoun of Sanquhar before the Council on the 24th of March next, and for his good behaviour in the meantime, under pain of ten thousand pounds. Former cautions for him to the same effect are annulled. [See *ante*, p. 61.]

Caution for Hew Wallace.

Caution by Johnne Wallace of Craigie for Hew Wallace, "that the said Hew sall remove himself, his wyfe, servandis, bairnis, familie, guidis and geir, furth of the xv s. land callit Mylnemoss and half merkland callit Sanct Ninianis landis, houssis, biggings, barnis and yairdis, situat thairupoun, conforme to our Soverane Lordis letters past upoun ane decreit and precept gevin be the baillie of Kile Stewart, except fra sa meikle of the saidis landis and houssis as is reservit to the said Hew be contract and

1577–79. appointment maid betuix him and Maister Johnne Young, minister at Irvin, and als that he sall desist and ceise fra all trubling or impediment making to the said Maister Johnne, his tennentis or servandis," under the pain of a hundred merks.

Page 111. Caution by Hew Wallace of Carnell for the appearance of Johnne Wallace of Craigie before the Council on the 24th of March next, and for his good behaviour in the meantime, under the pain of ten thousand pounds. Wallace and Hamilton of Sanquhar, who had just found similar caution, were therefore to appear together on their old dispute [*ante*, p. 68]. Caution for Wallace of Craigie.

Sederunt—Colinus, Comes Ergadie; Joannes, Comes de Montroise; Robertus, Comes de Buchane; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Commendatarius de Dumfermling; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth. [No date in the Register.]

Johnne Anstruther of that Ilk ordered to "enter and present Margaret Leirmonth, relict of umquhile Sir William Kirkaldie, sumtyme of Grange, knycht," before the King and Council, on the 20th of February next, "the souirteis for hir entrie standing in effect as of befoir" [vol. ii. p. 709 and p. 727]. Anstruther of that Ilk ordered to present the widow of Kirkcaldy of Grange.

Williame, Lord Ruthven, the King's treasurer, ordered "to caus intromet and uptak all panis and unlawis quhairin ony personis ar adjugit be decreittis of Privie Counsale, and inbring the same to his Majesties use." "Lord Ruthven ordanit to tak up panis and unlawis."

Ordered that "the principallis of the surnames of Burnfeildis and Haitleis" keep good rule, and peace with each other, according to their bands, under pain of forfeiture by their cautioners of the sums cautioned for, and further punishment to themselves. [See vol. ii., as by Index there.] Burnfields and Haitlies.

"The quhilk day Johnne, Lord Maxwall, presented ane answer maid to the Lord Hereis discourse and advise. The same wes red in audience of the counsale." Lord Maxwell's answer to Lord Herries.

"The quhilk day the Lordis of Secreit Counsale, having advisit with the desyiris of Johnne, Lord Maxwall, tuicheing the serving of the wardanerie of the West Marche, concludit upoun certane conditionis quhairwith quhatsumever persoun that servit the said West Wardanerie sould accept the same, as followis:— "Conclusioun anent the serving of the West Wardanrie."

Page 112. The Kingis Majestie will se his wardane to have universale obeydience of all his Majesteis subjectis within the jurisdictioun of the West Wardanerie without exceptioun, the wardane doand equale and indifferent justice to all personis be the gude advise of sic baronis of the cuntrie as his Majestie and the Counsale sall appoint.

Sic nobilmen or baronis as failyeis in fulfilling of thair generall band, upoun complaint of the wardane, salbe callit befoir his Majestie and his Counsale, and, eftir dew tryell, the failyear salbe puneist as appertenis. Acta 1577–79.

Sic securitie as is for all the Kingis subjectis within the West Wardanry be the bandis of thair landlordis plegis or utherwayis, the Wardane salbe informit of, and for the suppressing of ony sic as ar [or] salbe dissobeydient, his Majesty will grant a cumpany of xxiiii horsmen and a Capitane with sic pay and for sic space as his Hienes sall think expedient, and that thay and thair Capitane salbe at commandiment as his Hienes may have occasioun utherwayis to employ thame.

The Wardane sal have als ampill commissioun as ony that hes servit in that office of befoir; and na fugitives anis lauchfullie denuncit salbe takin in or ressett to peax quhill warning be gevin to the warden and his advise socht, providing he denunce and mak na fugitivis without gude and deliberat advise of the baronis, and signifie his denunciatioun to the King and Counsale.

The Wardane sall tak or apprehend na landit mannis man or servand for quhome thair maisteris standis bound (except thay be taikin red hand) quhill his maister be first dewlie chairgit for his entrie, or be fund to have faillit in his band or promeis, or that he have na maister or landislord that will tak on hand to entir him, or that the warden and justice have a speciall or particular warrand and directioun frome the Kingis Hienes, with avise of his counsale, for the said apprehensioun.

The Wardane salbe thankfullie ansuerit of his feis and dewis according to the tyme of his service.

His Majestie wilbe cairfull for the reparatioun and bigging of his houssis of Lochmaben and Annand, howsone the commoditie may convenientlie serve.

Quhilkis conditionis being red to the said Lord Maxwall, he wes yit, as of befoir, required gif he wald retene the said charge of the West Wardanerie upoun the same conditionis: quha answerit that he wald serve the Kingis Majestie in the said charge, having sic liberteis and privilegis as his forbearis had that servit the said charge of befoir.

"Lord Hereis burdynnit with the office of Wardanrie."

Quhairupoun the Kingis Majestie, with avise of the Lordis of his Secreit Counsale, deliberat to burdeyne Johnne, Lord Hereis, with the said wardanrie; quha, being ernistlie requirit be the Kingis Majestie and Lordis of his Privie Counsale to accept the said charge, wes content, at his Hienes desyir and commandiment, sa to do; and the said Johnne, Lord Maxwall, protestit, and askit instrumentis that he wes content and hed offerrit himself reddy to retene the said office of wardanerie, and to serve the Kingis Majestie trewlie thairin, havand sic liberteis and privilegis as his predecessouris that occupiit the same service of befoir."

Caution for several Elliots.

Caution by Johnne Carmichaell, younger, of that Ilk, for "Will Ellot, callit Will of Fiddeltoun, Johnne Ellot, sone to umquhile Ringane the Portar, or Blasteis Jok, Archie Ellot, sone to Ringanis Will, and Will Page 113.

1577-79. Ellot, callit the Lord," that they shall abstain from "attemptattis aganis England," and underlie the laws when required, each under the pain of two thousand pounds.

Identical caution by James Gledstanis of Coklaw for Robine Ellot of Reidheuch. Caution for Robin Elliot.

The same by Williame Ker of Cesfuird, younger, warden of the Middle March, and Andro Ker of Fawdounside, for Martine Ellot of Braidley. Caution for Martin Elliot.

Sederunt—Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth. Stirling Castle, 23rd January.

"The quhilk day, in presens of the Lordis of Secreit Counsale, Johnne, Lord Hereis, exponit and declairit how he had presentit unto the Kingis Majestie a Discourse contening the present trublit estait of the West Marche of this realme foranent England, with his trew Advise and Opinioun tuicheing the help thairof and serving of the office of Wardanerie and Justiciarie of the same West Marche in tyme cuming; and, becaus Johnne, Lord Maxwall, present warden of the same, hed, be a letter of his exhibitit sensyne, termed the said advise a pernitious counsale, and in sindrie uther pointis hed schawin his mislyking thairof; quhairupoun the said Lord Hereis offerrit himself to abide and underly the tryell and jugement of the Kingis Majestie and Lordis of his Secreit Counsale, presentlie or quhen they sall think convenient: Thairfoir the saidis Lordis of Secreit Counsale, at the requeist and desyir of baith the saidis Lord Maxwall and Lord Hereys, ordanit the said Discourse and Advise, with the said Answer maid thairto, to be insert in the Buikis of the Privie Counsale ad futuram rei memoriam, and the Copyis thairof to be extractit and deliverit to thame as they sould require the same:—Off the quilk Discourse, Advise, and Answer, the tennour followis:— "Lord Hereis Discours and Answer maid thairto [by Lord Maxwell] ordanit to be registrat."

[Discourse and Advice of Lord Herries.] Discourse of Lord Herries on the state of the West Border.

"Pleasit your Majestie considder the ewill estait present of the West Marchis of this your realme:—

A litill befoir your nobill grandfader of guid memory, King James the
Page 114. Fift, depairted this life, his Hienes, understanding ane few disloyall subjectis of his realme, inhabiting the fronteirs of England in the oppositive wardanrie, havand plantit thame selffis upoun ane west ground, had done sindrie incursionis in his cuntrie, and, beand be the realme of England manteinit, wes begynnand to grow in sic nowmeris and proudnes that thair invasionis wes insufferabill to his trew subjectis: thairfoir his Grace

thocht guid than to put ordour to thame, and to that effect send ane greit cumpany of nobilmen and utheris to birne, distroy, and spuilyie thame; quhilk power, for laik of governament and knawlege of wearis, then altogidder to thame unknawin, sa lang they had continewit in peax, and havand na provisioun to remane upoun thair interpryise, without ony occasioun worthie gevin thame, fled. By quhais discomfitour they quhom they yeid to have distroyed (I meane the Grahames and thair thevis, assisteris, the inhabitaris of Esk, Levin, and Sark) gat of thair ransoms and spuilyie worth ane hundreth thowsand merkis; with the quhilk substance, and spuilyeis that they have gottin in Scotland sensyne, far surmounting in valu ane hundreth thowsand pund Scottis, the saidis Grahames hes biggit to thameselffis, ewin upoun the verray fronteiris of this your cuntrie, aucht or nyne greit stane houssis, inprynnabill for the Warden of Scotland his power. Thay have allyait thameselffis with the maist part of all your Bordouraris adjacent to thame; quha, for feir of thair ewill deidis and partlingis according to thair naturall ewill inclinatioun to be marrowis with thame in thair unlefull spuilyeis, your Bordouraris hes tane thair dochteris in a maner without tochir; ye, happy is he that is adjacent to thame that gettis ane of thair bairnis in mariage, as he thinkis. Acta 1577–79.

In the fourtie twa yeir of God, the tyme your said grandfader depairtit this life, thay past not twentie nor threttie at the monyest; and now they, with thair thevis, assisteris, ar growin to sextene or auchtene scoir, reddy at the warning of ane hour or uther half hour, weill horsit men brocht up, and levis na utherwayis bot ydill and in all weikitnes towaris this realme, nevir mynding na uther life bot the spuilyeing of Scotland.

Besyde the foirnamit greit heirschippis, far surmonting the sowmes expressit, they have committit mony greit and odius slauchteris, abone thre hundreth Scottismen, brint verray meikle of your cuntrie, and swa continewit all this tyme in the peax siclyke as in the weare.

Schir, in this tyme the realme of England hes cassin doun your Hienes hous of Annand, brint your principall toun within that Marche, Drumfreis, and utheris your trew subjectis houssis that wes upoun this the fronteiris of your cuntrie, buildit for mantunance of the same and thair ressistence, swa that within xx mylis to the Marche of England on the Scottis syde thair is na strenth quhairin ane honest man that is trew to your Hienes and to your realme may remane ayther honestlie or suirlie. The thevis of the same Marche, with assistence of the Englische thevis, hes slayne your principale baronis that wes narrest adjacent to the Marche, sic as the Lord Carlile, the lairdis Mouswald, Kirkmichaell, Kirkconnell, and Logane, in Annanderdaill, with mony uther sobir landit men, and now hes plantit the maist part of thair landis and occupyis it to thair thevis use; quhairthrow the Wardane, laiking the substantious househaldis of thir honest men that wes evir helpfull to him, and trew evir as his awin houshald, dar not approche your awin fronteris to do your Hienes service in the commoun weill, as to his office

a 1577–79. appertenis, without he be weill accumpanyit with utheris then with the inhabitantis of that cuntrie.

The West Marchis of England is plantit with strong hauldis evin to the verray fronteiris: the citie of Carlisle, with ane strong castell and citidaill thairin, weill munitioned, within foure mylis to the Marche of your realme, quhair is the continewall residence and seat of that Wardane; the Castell of Rockleiff, quhilk will weill ludge ane hundreth horse and men, is within thre quarteris of ane myle to your Bordour; with mony strang stane houssis continualie endlang the Englische Marche fronting to this realme: and it is a fruitfull soyill, full of gude cornis, with gude lawis and gude obeydience to the same. Be the contrair, Scotland upoun
Page 115. that Marche is ane pastour ground, verray barrane quhill it cum far within the realme, and unproffitabill in a maner to the greit part, bot for bestiale; as it is knawin ane man, to be sustenit honestlie upoun his stoir in lyk maner as his nychbour salbe sustenit with cornis, sall occupy mair ground nor ten tymes he that levis be the cornis dois in boundis; swa that the West Marchis of England is meikle mair populus, and may, be the fertilitie of the ground, sustene mony ma men adjacent to the fronteiris upon that Marche nor Scotland may.

Adwyse for gude ordour to be observit in the said West Marche:— Advice of Lord Herries for the management of the West Border.

First, that the Wardane, quha is Justice-Generall, mak his residence with his honest houshald in the Kingis Majesteis Castell of Lochmaben, and, gif ony tyme he beis furth of it, to be in the wintir in Drumfreis, havand alwayis in Lochmaben ane sufficient gentilman to be depute; and that the Justice Court, or Stewart Court as they call it, be wolklie keipit in the toun of Lochmaben, in ordour and forme according to the buik appointit for the same. And, that everie landit man present his servandis and tennentis quhen he is required according to his band, earnist cair and laubour mon be tane to se everie ane present his man according to this ordour. Na mon may be exemit or excusit of this poynt; for in that court, and dewlie using thairof and obeydience to the same, standis the principal part of justice and ordour of the haill cuntrie. To assist with the Stewart thair wald be five or sex of the wyisest men of the cuntrie, as deputis; off the quhilk nowmer thare wald be twa Johnnestounis, of the wysest and ressonabillest men that culd be found. And, to gif the Larde of Johnnestoun occasioun to think that the correctioun of his thevis is nather done for gredines nor ony kynd of particularitie, expedient it is that sic of his men as enteris be his band to the lawis, and ar found culpabill and executit for thair crymes, he sall have the ane half of thair escheittis. The uther wald be delt equalie betuix the wyfe and the bairnis, gif ony wer, and the officiaris that maid the serche. And, to se the same indifferentlie used, verray expedient it is that the Kingis Majestie send ane or twa wyise men to Drumfreis in the hinder end of September yeirlie, to hauld ane justice court, thair to understand the estait of this cummersum cuntrie, and thair to se that the Warden hes

trewlie and diligentlie done his office; thair to understand that the baronis and gentilmen hes dewlie observit thair bandis, and thairof to mak informatioun to the Kingis Majestie and Counsale, that, gif ony misordour be in November nixt ensewing (quhilk is the principale moneth of the yeir for thair puneisment), correctioun may be maid. And, becaus the Lord Hereis, the Lord Carlile, the Lairdis of Drumlanrik and Lag, hes landis in Annanderdaill, it is requisite that they sall assist the warden and answer for thair men, and expedient they sall remane with honest houshauldis in tymes of greit dissobeydience in that cuntrie,—the Lord Hereis in Hoddum; the Lord Carlile in Kelheid or Torthorwald; the Lard of Drumlanrik in Mouswald or Ros; the Lard of Lag in Rokell; the Lard of Johnnestoun, accumpanyit with ane houshald of his trew and honest freindis, at his place of Lochwod and Apilgirth, siclyke at his hous of the Spedlingis; and, gif the Lord Maxwall beis not warden, at his hous of Langholme. Acta 1577–79.

Humyll supplicatioun is to be maid to the Kingis Majestie, our Soverane Lord and heid, that it may pleis his Hienes, for discharge of his conscience and honour, and for avoyding of this greit innocent bluidsheid and oppin avowit rubbrie in this his cuntrie, the lyke quhairof is not in uther realmes, that his Majestie will grant ane worthy gentilman to be capitane, and waigis to xxiiii well horsit men with him to ly at his Hienes distroyed toun of Annand, to attend upoun his officiaris command for puneisment of dissobeyaris and theis ewill disloyall subjectis; and that the capitane have in the yeir twa hundreth pundis, aucht greit bollis of aittis, and everie ane of his suddartis ane hundreth pundis and foure bollis of aittis: the aittis to be tane up of the Grange of Lochmaben, the money extending to twentie sax hundreth pundis onlie. The Kingis Majestie, with avise of his honorabill Counsale, will pleis to appoint sum casualitie gude payment, and may continew to this gude office; quhilk I traist in Almychtie God he sall find rycht weill bestowed, that nevir ane of his nobill progenitouris bestowed thair geir bettir, nor did ane mair godlie nor honorabill act,—not King David, that foundit all the abbayis himself. Page 116.

It is expedient that the Lord Maxwall, quhais guidsire gat the maist part of they landis of Esdaill, Ewisdall, and Wauchopdaill fra the said lait Kingis Hienes of gude memory, gif he be warden and remane at Lochmaben, have ane honest man his depute and capitane in the Langholme, and, to dantoun that gret nowmer of mischevous thevis, spend upoun him and ane houshald thair the haill proffeittis that may be gottin of they landis and kirkis of Watstreker, Stephen Gortoun, Wauchope, and Natherkirk of Ewis (I meane alwyise Goddis service be the ministeris to be first sustenit),—the haill advantage, with the maillis, multuris, manis, and utheris detfull dewiteis, to be spendit in the Langholme; quhilk, I think, may wele sustene twelf habill horsmen with thair capitane. Expedient it is that this capitane or keipar of this ewill cuntrie hald everie moneth anis ane court at Stephen Gortoun; and, that the trew subjectis adjacent to they weikit people may the better understand quhen to have justice, proclama-

1577-79. tioun wald be maid in Jedburgh, Hawik, Selkirk, Moffet, and Lochmaben, that the first Tyisday of everie moneth of the yeir the court is to be haldin at Stephin Gortoun foirsaid, and that the principale lord himself, in his awin persoun, in the four quarteris of the yeir, hald it, to se that na trew men have caus to complene upoun his depute for laik of justice; and, for the certantie thairof, that same be due the first Tyisday of the first moneth of the four quarteris of the yeir.

Verray necessar it is that the Kingis Majesteis rewynous hous of Lochmaben be helpit with sum casualitie quhen it sall fall, for na honest man can have being thair now. In lyk maner, that the hous of Annand be, be sum casualitie, buildit agane; for thair mon meikle the resort of the warden and gentilmen be, gif gude ordour continewis in the cuntrie, induring the peax or resistence aganis England in the wearis. The wache toure upoun Trailtrow, callit Repentance, mon be mendit of the litill diffaceing the Englische army maid of it; and, according to the formar devise, the greit bell and the fyir pan put on it; and ane trew man haiff ane husband land adjacent for the keping of the continuall wache thairupoun. The Warden mon employ the unlawis for byding fra raidis and dayis of Marche to fortify and strenthin the keipar dyke that enveronittis the toun of Annand, and to put twa strang barressis into it, according to the formar ordour thairunto divisit; for into sic offices thir commoun unlawis aucht to be employed, and, beand weill used, thair wil be sufficiencie of thame to do it, and they will be gevin with the less gruge. And to caus the cuntreis adjacent to the Watter of Annand cast and strenthin the fuirdis thairof, according to the ancient and commodius ordour thairfoir appointit.

As to the Debatabill Land quhilk is laitlie fallin to the Crown, and na heritour dewlie clamyng the same, it is expedient that the Wardane,
age 117. honorabillie accumpanyit, sall pas and hald court upoun the same landis in the Kingis name, register the haill boundis of the landis and all the occupyaris thairof, and how meikle everie ane of they principale thevis, that clames for thair part to be kyndlie steding to thame, is to knaw of thame quhat securitie they will fynd to the officiar in name of the King for thair trew and loyall service. And, gif four or five of thame, making gude offerris, upoun thair detfull obeydience and dewtie, to answer the Warden in all tymes cuming for all the inhabitantis of that ground, euerie ane within his awin boundis, solempnitlie sweir the samyn, and gif in thair plegis, sic as salbe required of thame for performance thairof, beand bound to uphald sic nowmer of horsmen as the Warden upoun the vewing thairof sall understand ressonabillie it may sustene for serving of the realme, gif it pleise the Kingis Majestie, it is to be gevin thame takis of they landis, as the King of England hes gevin the Grahames thair nychbouris of the lait Debatable Land that fell to England and meikle mair beside it. And I traist all this sall not suffice to mak thame gude men, bot this foirsaid gude ordour observit be the Warden will caus all the rest and thame to obey.

Necessar it is that the dayis of Marchis be haldin everie fourtie dayis anis, or within twa monethis at the maist, according to the buik and lawis of Marchis, and that he that is offendit unto ressave his redres with dowbill and sawfeir, according to the buke and lawis foirsaid. The spairing of the dowbillis, quhilk is owir meikle done, is aganis the lawis, encurageing of thevis, and mak greit nowmer of offences that wald not be done. Acta 1577-7

This ordour keipit, and to this the Kingis Majestie and my Lordis of his Hienes Counsale ernistlie halding hand to the puneisment of the proud dissobeyaris, and for na mannis solistatioun leif the wilfull and proude malefactouris unpunist, sic landit men as the Warden hes worthy caus to complene upoun, I traist in Almychtie God thair sall continew upoun that Marche, quhilk hes bene evir the maist trubilsum part of the realme, greit quietnes, to the plesour of his devyne Majestie, the Kingis Hienes greit honour, discharge of his conscience and obeydience, and to the greit weill of the realme and all honest and trew subjectis thairof, the Kingis advantage in custume of his wollis, retening of the cattell within the realme that now ar tane furth of it be stouth and reif and sauld in England, and plennissing of the ground that now ather is waist or occupyit be thevis, quhairof the stoir nor wollis cummis to na gude use sall xxvj^{c} li. augment his Hienes patrimony.

In consideratioun of the greit and cummersum office that the West Wardanerie is, expedient it is that the Warden induring his office remane upoun his charge and verray semdill be furth of that cuntrie, bot have appointit him be the Kingis Majestie sum worthy man, in gude credit of his Hienes, to quhom he may direct his writingis at mair lenth of the Kingis service and the estait of that cuntrie frome tyme to tyme as it fallis furth, and be him to ressave the Kingis Hienes and Counsallis commandiment at mair lenth nor is expedient to his Majestie to write, sa mony occasionis of adverteismentis will occur."

Lord Maxwell's Answer to the foregoing Discourse and Advice of Lord Herries.

[The Lord Maxwellis Answer.]

"I humilie beseik your Majestie to consider of the Lord Hereis advise anent the gude ordour to be observit in the West Marche, as he callis it, befoir your Hienes sall awow the same; for, be perusing thairof, your Majestie may easilie persave that in sum heidis it tuicheis me onlie in particular, verray prejudiciale to the liberteis, heretage and offices grantit be your Majesteis maist nobill progenitouris to your Hienes humyll and obedient servitouris, my foirbearis, heirtabillie, for thair trew and faithfull service. And, lyke as I succeid to my parentis liberteis, landis and offices, sa my hoip is in God that your Hienes sal have pruif with tyme of my following thair trew, faithfull, and obeydient service to your Grace at the uttermest of my sobir power. Quhairupoun I traist your Majestie sall not lyke weill to alter or change that gude mynd of your Majesteis maist royall predecessouris for ony pernicious counsale divisit in the contrare. Page 118.

a 1577–79. First, quhair the Lord Hereis thinkis it gude that the Warden sall mak his residence in the Kingis Majesteis Castell of Lochmaben, etc., I answer the same is verray hurtfull to me be thir ressonis following, viz: that the custody of the said Castell is ane several office, having feis and dewiteis appropriat thairto of lang tyme, to the quhilk I am maist kyndlie, as may appeir alsweill be diverse takis maid be our Soverane Lord and his predecessouris of gude memory as be ane contract of aggrement past betwix the Lord Hereis and me. Farder, it is maist neidfull for dew obeydience to the Stewart Court of Annanderdaill, quhilk is thocht expedient to be haldin oulklie in the toun of Lochmaben, that the keiping of the Castell be committit to me, as Stewart thairof, for my residence thair, becaus that hous is maist convenient for that office. As for the Wardanis residence in that cuntrie, I think the place maist propir to be at is Annand; for thairby he sall have the lyke commoditie on this syde that the opposit Warden ressavis be his remaning at Carlile, in respect that the samin is narrest and adjacent to the fronteiris and of the like distance with Carlile, etc.

Secundlie, quhair he thinkis it expedient that the Lard of Johnnestoun sall have the ane half of the escheittis of his men executit be justice (introduceing thairupon as quha wald say it sould gif him occasioun to lyke weill of his thevis correctioun), the uther half thairof to be delt equalie betwix the wyfe and bairnis etc., this point also is verray prejudiciall to my office and liberteis, ye, na les to his Majestie and the commoun weill; for, gif the Lard of Johnnestoun sal have this rewarde for his dissobeydience, uther baronis may tak the lyke occasioun of dissobeydience quhill they obtene the same libertie ouer thairis. Mairowir, na gude ressoun thair is quhairfoir the casualiteis of the cuntrie salbe tane fra his Majesteis officiaris, quha mon sustene the panis, and gevin to ony particular persoun not deserving or worthy of the same, far by the auld ancient custume and generall band, etc.

Thridlie, quhair he appointis the ferme corne of Lochmaben to be applyed to the garisoun for thair horse corne, omitting a certantie quhair thair stipend sould yeirlie be had, extending to thre thowsand nyne hundreth merkis,—a mater of gretar importance be sevintene fauld and mair, etc.,—this corne, quhilk he wald appropriat to tham, is the cheif friell annexit for custody of the Castell of Lochmaben,—als meikle to say 'Tyr the kirk and theik the queir.' Mairowir, gif his Hienes sall pleis to repair in that cuntrie, as his Majesteis maist nobil guidsire frequentit, I pray you quhair sall the Kingis horse corn be hed?

Fourtlie, quhair he allegis it is expedient that I have ane Capitane in the Langholme and spend upoun him and his houshald thair the haill
Page 119. maillis, multuris and uther detfull dewiteis of my landis thair, togidder with the haill proffeittis of the kirkis of Watstirkar, Stabil-Gortoun, Wauchope and Nether Euse, my kyndlie takis, etc., the generall band satisfiis this article; for, seeing that I have bund myself als straitlie for my landis and servandis to the Kingis Majestie as the remanent fre-

haldaris within the wardanerie hes done, justlie and of gude ressoun the divise to caus me sustene ony gretar houshald in they partis nor as I pleis may be thocht to proceid frome a new consait, not altogidder sounding for the necessitie of the caus. Alsua this divyse tuichis na uther bot me. Acta 1577–79.

Last, quhair he appointis the toure of Trailtrow to be repairit, according to the first institutioun, with ane husband land to be gevin to sum honest man that sall dwell thairin, etc: the mater I grant is litill to effect; yit nottheles, in respect the same is of my heretage, equitie requiris the same to be na forder employed to ane commoun use than uther landis and houssis thairto adjacent. Mairowir, I hard na word of this institutioun quhenas I coft the said hous, with the landis, fra the Lord Hereis, eftir that he, being my tutour, had tane the samin in few owir my heid the tyme of my minoritie, nathing regairding the kyndlie takis of my foir-bearis, with my awin, etc.

Schir, I maist humilie beseik your Majestie to tak na uther opinioun of me bot as of ane faithfull and obeydient subject, reddy to obey your Hienes with all kynd of humyll service, albeit I oppone myself to thir particular divisis for the ressonis abone expremit, rather inventit upoun malice than ony favour to the commoun weill."

Licence to the Warden of the West March to repair to Carlisle.

"The Kingis Majestie and Lordis of his Secreit Counsale, understanding the greit difficultie to keip frequent metingis betwix the Wardanis of Scotland and England at the West Marche, namelie in the wintir seasoun, and that na thing is mair convenient for the gude reule and quyet governament of the Bordouris nor the oft meting and loving concurrence of the Wardanis in administratioun of justice; being informit alsua that Henrie, Lord Scrope, wardane of the West Marche of England, may not convenientlie, in the schort wynter dayis, subject to stormis, keip metingis on the feildis; and als incommodius it is for his Majesteis warden upoun ane day to pas frome Drumfreis to the accustumat place of meting and returne agane the same day, tarying ony ressonabill space for treating of materis and doing of justice on the feildis, they being litill or na guid and suir lugeing be the way: thairfoir his Majestie and his said Counsale hes thocht meit and expedient that, quhen evir and how oft his said Warden of the West Marche sall find it neidfull, he repair in propir persoun to the citie of Carlile or ony uther part or place within the West Marche of England upoun pasport and saulfconduct of the opposite Warden, and grant the lyke pasport and saulfconduct to the same opposite Warden and his cumpany to cum to Drumfreis or ony uther part within the West Marche of Scotland; and his Majestie hes grantit his speciale licence to his said Warden and all that sall pas in his cumpany to this effect, without pane or danger to be incurrit be thame thairthrow, in personis, landis or guidis, quhairanent his Majestie dispenssis; and this during his Majesteis will, and quhill he specialie discharge the same, to induir."

Protest by Lord Maxwell.

Protest by Lord Maxwall that, "in caise Johnne Johnestoun, callit Paittis

1577–79. Jok, dwelland on his landis, and now taikin and keipit in firmance be the Lard of Johnestoun, war lettin to libertie without his consent," then he should not be held answerable for the said John as by his band.

Page 120. Obligation by Lord Maxwall to enter Edward Armistrang, son of Lang Andro of the Hairlaw, before the King and Council on the 20th of February next, under the pain of £2000, with promise that he shall not be set at liberty "quhill the Lard of Cloisburne war satisfiit." Obligation by Lord Maxwell.

Obligation by Lord Maxwall relating to "Johnne Batie of Daventoun, Cristie Batie, sone to Rowy Batie in Cassok, Adie Batie, sone to Nikie of the Scheill, Archie Bell, broder to the Bendar, and David Litill, broder to Johnne of Cassok." These six persons, hitherto pledges for peace on the Borders, are now "lettin hame" at Lord Maxwall's desire; and his obligation is that, "gif ony of the personis quhom the sex plegis lay for sall not be answerabill to the lawis in tyme cuming," the said pledges shall be re-entered by him, each under the pain of £2000. Obligation by Lord Maxwell.

Identical obligation, by the Laird of Johnstone, for "Walter Irvin, sone to Jokis Will, Cristie Johnnestoun in Bighill, Hobbe Johnnestoun, sone to Gib of Langside, Johnne Johnnestoun, sone to Will of Myreheid, David Johnnestoun of Priestisdykis, Thome Johnnestoun, sone to David of the Bankis, Johnne Johnnestoun, sone to young James of Brumell, Wille Moffet, sone to James of Powbudie, Adame Latimer, sone to David of Coket-hill, Hobbie Johnnestoun, sone to the Chapman, Willie Johnnestoun, sone to the Chapman," all hitherto pledges, and now released at the Laird's request. Obligation by the Laird of Johnstone.

Similar obligation by "Maister Robert Dowglas, provest of Lincluden," for "Willie Bell, sone to Rany of Dokanflat," a pledge now released. Obligation by the Provost of Lincluden.

Caution by Lord Maxwall to enter and present Willie Irvin of Kirk-connell before the King and Council on fifteen days' warning, under pain of £2000. Caution by Lord Maxwell.

Similar caution by Lord Maxwall for the appearance of Jok Armstrang of Caffeild on the 20th of February. Caution by Lord Maxwell.

Acknowledgment by Lord Maxwall "that he had Cubbe Jonstoun, broder to Thome of Preistwodsyde, under band, and that the said band sould be answerabill with the rest." Acknowledgment by Lord Maxwell.

Page 121. Proclamation ordered, at the market cross of Drumfreis and elsewhere, of the appointment of "his Majesteis traist cousing Johnne, Lord Hereis," to be Warden and Justice within the bounds of the West Marches, with charge to all and sundry inhabitants of the wardenry to obey and assist him in his office, and keep good order among themselves and the peace with Eng- Lord Herries proclaimed Warden of the West March.

land, "certifeing thame that disobeyis thay salbe estemit as favouraris and parttakaris with the thevis in thair weikit deidis, and puneist thairfoir with all rigour, in exempill of utheris."[1] Acta 1577-79.

Stirling Castle, 24th January.

Sederunt—Andreas, Comes de Rothes; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Adam, Commendatarius de Cambuskynneth.

Caution by the Laird of Johnstone for Sir Thomas Turnbull and others.

Caution by Johnne Johnnestoun of that Ilk for the appearance of "Thomas Turnbull of Beddroule, knycht, Watt Turnbull and Thomas Turnbull, his sonis, Edward Lorane, his guidsone, and Johnne Turnbull, broder sone to the said Sir Thomas," before the King and Council, on fifteen days' warning, to answer for "the slauchter of umquhile Thomas Schevill," the penalty to be 1000 merks for each.

[1] The two noblemen exhibited in the preceding entries in such interesting rivalry for the Wardenship of the West March,—John Maxwell, Lord Herries, and John Maxwell, 6th Lord Maxwell—were both of them already familiar with that office. Lord Herries had held it for a long while, first as Sir John Maxwell of Terregles, and after 1566 with his higher title of Lord Herries (Priv. Coun. Reg. I. 157, 165, 414–5, 503, &c.). His nephew, Lord Maxwell, had been appointed to it in 1574, immediately on coming of age (Reg. II. 421); had demitted the office in May 1577, when the Earl of Angus assumed the Wardenry of the West March in addition to his Lieutenant-Generalship of all the Marches (Reg. II. 613); but had been reappointed on the 24th of March 1577–78, when he and Lord Herries were members of the temporary coalition government in power between Morton's demission of the Regency and his reappearance as Premier (Reg. II. 678). For some reason or other, though both uncle and nephew had been of the Atholl-Argyll faction, and in arms of late against Morton, the uncle was now more acceptable than the nephew; hence the present substitution of the older John Maxwell, Lord Herries, for the younger John Maxwell, Lord Maxwell, in the West Wardenship. The Laird of Johnstone, or John Johnstone of that Ilk, mentioned in the "Advice" of Lord Herries, and in the "Answer" of Lord Maxwell, was a powerful border laird, between whom and Lord Maxwell there had been many disputes (Reg. II. 422, 593, &c.). Herries, it will have been noted, thought the West Border would be managed more easily if Johnstone were conciliated. Spotswood alone, among the generally known historians of this period, gives an account of the rivalry between Maxwell and Herries for the Wardenship of the West March. His statement is that it was Lord Ruthven that moved the question whether Lord Maxwell's Wardenship was satisfactory. Ruthven had returned to Stirling from his commission of Lieutenancy on the Borders, "bringing with him the Lord Maxwell," says Spotswood; "a frequent Council" was then held, and "the Lord Maxwell, being challenged of negligence in his office, did answer, That he had only the title of a Warden, and that the limitations of his charge, and the exceptions granted to the gentlemen of the country, made the office needless and contemptible; but, if the King should be pleased to discharge the exceptions, and give him a free commission, such as his predecessors had wont to have, he should strive to do his best service to his Majesty and the country. This answer was not well taken, and the Lord Herries, as one known to have greatest experience in these matters, being desired to give his opinion, delivered the same in a long speech, to this purpose: 'Your Majesty,' said he, 'hath in deliberation a business of great importance, whereof it were more fitting any man should give his opinion than I, by reason of the suspicion I stand in with the present Warden; for what I say will be interpreted to proceed of spleen,'" &c. Spotswood then, in a style which shows that he must have been acquainted with the documents in the text, gives a short abstract of Lord Herries's Discourse and Advice, and of Lord Maxwell's Reply. Respecting Lord Maxwell, he adds, "That which did most displease him (though this he dissembled) was that any should be joined with him as assisters; for he would needs be absolute in these parts" (Spotswood, pp. 304–6).

1577-79. Caution by Johnne Carmichaell, younger, of that Ilk, to present Sym Armstrang of Mengertoun and Lancy Armstrang of Quhithauch before the King and Council on the 20th of February, each under pain of £2000. Caution by John Carmichael, younger, of that Ilk.

Order that the Justice Court appointed to be held at Jedburgh on the 2nd of February be continued to the 15th of April. Justice Court at Jedburgh adjourned.

Page 122. Order to Lord Hereis, as new Warden and Justice of the West Marches, to hold a Justice Court at Drumfreis on the 4th of March. Order for a Justice Court at Dumfries.

Williame, Lord Ruthven, treasurer, "having exponit and declairit the forme of his proceidingis upoun the Bordouris of this realme according to his commissioun of lieutennandrie," is found and declared to have "trewlie, honestlie, and diligentlie performit and dischairgit his charge and devoir;" and it is ordered that an act be made of this exoneration, "ad perpetuam rei memoriam." Exoneration of Lord Ruthven for his proceedings at the Borders.

Caution by Lord Maxwall for "Michaell Carlile, sone to umquhile Michaell, Lord Carlile," that neither he nor his shall trouble George Douglas of Parkheid, or his men or tenants, under pain of £1000. [See *ante*, p. 70.] Caution for Michael Carlyle.

Complaint of Patrik Murray of Fallowhill, Sheriff of Selkirk, as follows:— "Upoun the xi day of Julii last bipast, Walter Scot of Tuschelaw, with his complices, come to the said Patrikis steding and landis of Skaddoneis, and thair set doun in his wrangus maner his subtennentis thairin, plennuschit the samin with his guidis, and intendis be plane force and reif to debar and disposses the said Patrik thairfra, the said Walter being a clannit man on the Bordour, quhais possessioun ane yeir will be comptit a kyndnes gif it be sufferit." Not having been able to remove the intruder, the complainer had appealed to Lord Ruthven, late lieutenant on the Border, who had referred him to the King and Council, and charged Scot to appear before them also. And now, "the said Wat Scot being warnit to answer, and he compeirand personalie, and the said Patrik Murray compeirand be Johnne Murray, his sone, and Maister Johnne Skene, his procuratouris," and "the ressonis and allegationis of baith the saidis partiis being hard and considderit," it is ordered that Scot find surety in £2000 for the removal of himself and his servants from the said steading and lands, and restoration of the same to Murray, before the Page 123. 15th of February next, the said Scot to be at liberty to prosecute any rights he may have to the same before the ordinary Judge. Patrick Murray, Sheriff of Selkirk, against Walter Scott of Tushielaw.

Caution by Johnne Johnnestoun of that Ilk for the said Walter Scot in the said sum and to the said effect. Caution for Scott.

Protest by Master Johnne Skene, in name of the said Patrik Murray, that the decree of Council just given, and the caution just entered, shall Protest for Murray.

not prejudice his right to pursue the ejection of Scot before the Judge ordinary. Acta 1577–79.

Christian Scrymgeour, relict of the late Bishop of Ross, against Colin Mackenzie of Kintail, and others.

Complaint by Cristiane Scrymgeour, relict of umquhile Alexander, bishop of Ross, and by "Maisteris David Borthuik of Lochill and Robert Creychtoun of Eliok, our Soverane Lordis advocattis," to this effect:—"Coline M°Kainzie of Kintaill, with his complices, upoun heich hettrent and saikles malice consavit and borne be him aganis the said Cristiane, not onlie stoppit and debarrit hir said umquhile spous to have fewall and elding to his dwelling hous in the Channonrie of Ross, quhair he maid residence this last symmer, bot stoppit him alsua fra getting of victuallis to his house, usand sic inhumane and cruell dealing aganis him that for displesour thairof he fell seik and nevir recoverit quhill he depairtit this life." During the siokness of the bishop in December last, "the said Coline, be himself and utheris in his name, of his speciale sending, command, assistence, and ratihabitioun, in a maner inclused the said hous of the Channonrie of Ross, debarrand the said Cristiane and hir said umquhile spous of meit and drink, and all uther releif of cumpany or confort of nychbouris and freindis; and, howsone he had intelligence of the bischopis approcheing to his lettir end and death, laid ambuschementis of armit men without the toun of Channonrie, and diverse utheris partis about the same, and first of all tuik Thomas Chayne, servand to the archedene of Ross, as he wes cumand in to the place and hous of the Channonrie to mak adverteisment thairof, and, continewing thairupoun, myndit be force and violence to tak the said hous quhairin the said umquhile Bischope dwelt for the tyme, unbeset the gait to all his servandis quhom they mycht start or apprehend outwith the same, and specialie Williame Irvin, messinger, Thomas Marschell, and Johnne Robertsoun; quhilkis, being taikin, wer careit immediatlie to the said Colinis hous of the Reidcastle," and there detained twenty-four hours. Farther, "upoun the xxii day of September last bipast, the said umquhile Bischope being visiit be the hand of God, and in the extreme point of death, the said Coline M°Kainzie of Kintaill, Johnne Irvin, Williame Barbour, Finlay M°Allane, Andro Irvin, and utheris the said Colinis servandis and complices, with convocatioun of our Soverane Lordis liegis in greit nowmer, bodin in feir of weir, with hagbuttis, bowis, swirdis, and utheris wappynnis invasive, come to the castell and hous of the Channonrie of Ross, and be force and violence enterit thairin, and put the said Cristiane Scrimgeour, the Bischoppis wyfe, and his remanent servandis, bairnis, and houshald, furth of the samyn; intromittit with thair haill guidis and geir being thairin; and, being furth of the said hous, constrynit thame to leif the cuntrie and to cum away be sey, not sufferring thame to get meit, drink, or lugeing within the said toun, nor lettand sa meikle cum away with thame of thair awin geir as a plaid or blankat to keip the saidis bairnis fra cauld within the boit: committand thairthrow sic cruell and barbarus oppressioun upon thame as the like hes not bene Page 124.

1577–79. hard of in ony realme or cuntrie subject to justice or the auctoritie of a Soverane prince." The usual citation of parties had been made; and now, "the said Cristiane Scrymgeour compeirand personalie, and the saidis Coline M°Kainzie, Johnne Irvin, Williame Barbour, Finlay M°Allane, and Andro Irvin, being oftymes callit and not compeirand," the order of the Lords is that they be denounced rebels, and put to the horn and to escheat.[1]

Tack of Lochmaben revoked from Lord Maxwell.

His Majesty, "understanding the privilege of the commoun law, actis, and statutis of this realme, providit and gevin to the successouris of all manner of personis, to revoik thingis done in thair youth and les aige," does now, with advice of his Council, revoke and annull the tack of the Castle of Lochmaben and pertinents thereof which his Majesty, by advice of the Regent Mortoun, had granted to Johnne, Lord Maxwall.

Page 125. Stirling Castle, 26th January.

Sederunt—Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth.

Margaret Stewart, widow of the late Master of Ochiltree, against John Douglas, Chamberlain of the Priory of Whithorn.

Complaint by Margaret Stewart, relict of the late Andro, Master of Uchiltrie, as follows:—"The ten merkland of Crugiltoun, with the castell, tour, fortilice, and maner place, yairdis, orcheardis, woddis, parkis, and medowis thairof, and the five merkland of Portkerok, with the mylne, multuris, and suckin thairof, and the five merkland of Quhithillis, with the mylne, multuris, and suckin of the samyn and thair pertinentis, war disponit in few and heretage to hir said umquhile spous and hir, the langer levand of thame twa, and to the airis gottin betuix thame; quhilkis failyeing, to his narrest and lauchfull airis quhatsumevir." In consequence, however, of a long pending action at law "anent the richt of the priorie of Quhitherne," they had never got possession of the said lands, which had remained "sequestrat in the handis of James, Erll of Mortoun, his Majesteis regent for the tyme," till the action should be decided. The Regent, "knawing the said Margaret to have sufficient titill to the landis foirsaidis, and being nawayis willing that scho sould be altogidder disappointit of the maillis and fruittis of the samyn during the

[1] The Bishop of Ross of the present entry must not be confounded with John Lesley, Bishop of Ross, the celebrated champion of Queen Mary. That Roman Catholic prelate, made Bishop of Ross in 1565, was now in exile abroad, where he did not die till 1596. At our present date *he* was still spoken of universally as "the Bishop of Ross," whose machinations from his exile were still dreaded in Scottish politics; and in all the ordinary lists of Scottish bishops, no one else appears with that title between 1565 and 1596. But in 1575 a Protestant minister, Alexander Hepburn, had been elected Bishop of Ross; and it is *his* widow who now complains. He had died, it appears, in or about December 1578; and, being a man of insignificance, he has dropped out of sight, except where his name has been preserved in some books by the extraordinary blunder of identifying him occasionally with the greater Bishop of Ross who was alive and active abroad till 1596.

said dependance," had caused the Earl of Angus, "to quhom the saidis maillis and fruittis wes assignit," to issue certain orders in her favour "to Maister Johnne Dowglas, chalmerlane of the said priorie." Douglas, when first applied to, had answered that Regent Mortoun had countermanded the orders; and, after a fresh precept had been obtained from the Regent, he had still refused to obey. "Quhairunto the said Maister Johnne Dowglas being wairnit to answer, and he compeirand personalie, and the said Margaret Stewart being alsua personalie present, with Maister Johnne Skene, hir prelocutour," the case is considered, and the Lords now "ordanis the said Maister Johnne Dowglas to find souirtie actit in the buikis of Secreit Counsale that," in conformity with the foresaid precepts, "he sall mak payment and delivery to the said Margaret Stewart, hir factouris and servitouris in hir name, betuix the dait heirof and the xv day of Februar nixt to cum, off the maillis, fermes, proffeittis, and dewiteis, of all and sindrie the landis and mylnis particularlie abonewritten, of the crop and yeir of God j^{m}v^{c}lxxvii yeiris, and in tyme cuming during his office of chalmerlanrie" (with the exception "that sa meikle thairof be deduceit and allowed to him as the tennentis of the saidis landis or ony part thairof will confes to the said Margaret that they ar addettit into, and will promeis to mak payment to hir of the samyn"), and also that he "sall entir the said Margaret, hir factouris and servitouris in hir name, to the peciabill possessioun, bruiking and joysing" of all and sundry the said lands upon the said 15th of February, under the pain of two thousand merks.

Acta 1577–79. Page 126.

Caution for the above Douglas.

Caution given accordingly for the said Douglas by Mr Robert Dowglas, provost of Lincluden.

Lord Methven, and Lord Ruthven, as his tutor, against Mackenzie of Kintail: vacant Bishopric of Ross.

Complaint "at the instance of Henrie, Lord Methven, and Williame, Lord Ruthven, thesaurer, his tutour testamentar, for his interes," as follows:— Although the said Henrie, Lord Methven, "hes, be gift of his Hienes to him, his airis and assignais, the gift of all and haill the temporalitie of the bischoprik of Ross, and of the castell, hous, and place of the Channonrie of Ross, now vaikand in our Soverane Lordis handis be deceis of umquhile Alexander, last bischop of Ross, of all yeiris and termes to cum, ay and quhill the lauchfull provisioun of ane lauchfull bischope and pasture to the said bischoprik;" and although it is "specialie providit be Act of Parliament that quhatsumevir persoun or personis takis ony bischopis places, castellis, or strenthis, or enteris be thair awin auctoritie to hald thame, but his Hienes command, letters or chairgis, sall incur the crymes of treasoun and lesemajestie;" yet "Coline M^{c}Kainzie of Kintaill, in proud and heich contempt of his Majesteis said lovabill law and Act of Parliament, and of his Hienes now havand the administration of the governament of this realm in his awin persoun, laitlie upon the xxii day of September last bipast, in the verray hour of the death of the said umquhile Alexander Bischope of Ross, or schortlie thaireftir, unbeset and

1577–79. inclosit the said castell, hous and the place of the Channonrie of Ross, tuke the samyn perforce and way of deid, and as yit detainis and hauldis the samin as ane hous of weir, and will not rander and deliver the same
ge 127. to the said Lord Methven" [see *ante*, p. 88]. There had been the usual charge to M^cKainzie to render the castle and place or take the consequences; and now, "the said Williame, Lord Ruthven, compeirand personalie, as tutour to the said Lord, and the said Coline M^cKainzie being oftymes callit and not compeirand," the Lords "ordanis letters to be direct, chairging the said Coline M^cKainzie yit as of befoir, and all utheris keiparis, halderis and detineris of the said castell, hous and place of the Channonrie of Ross, to rander and deliver the same, with the haill munitioun and ordinance being thairin, to the said Henrie, Lord Methven, and his said tutour, for his interes, or to ony uther havand thair power to ressave the same, to be kepit be thame and to thair behuif, conforme to thair said gift, within xxiiii houris next eftir they be chairgit thairto, under the pane of tressoun."

Suspension of the commission given to Lauchlan MacIntosh and others, at the instance of Alexander Winchester, against the Sheriff of Moray.

Re-appearance of the case between "James Dumbar, Shereff of Murray, Johnne Rutherfuird, Maister Johnne Dumbar of Mest, James Henrie, and Johnne Moir, burgessis of Elgin and Fores, deputis to the said shereff," on the one hand, and "Alexander Winsister, sumtyme minister of Elgin," on the other [see *ante*, p. 5 and p. 45]. On Winsister's complaint, alleging the Sheriff and the others to be "at the horne for non-delivering of certane escheit guidis takin fra his souirteis," commission had been granted by the King and Council "to Lauchlane M^cIntosche of Dunnauchtane, Robert Innes of Innermerkie, and utheris, to convocat his Hienes liegis in weirlyke maner, and to persew the said shereff and his deputis, thair kin and freindis, be fyir and swird; quhilk is a hard and lamentabill caise, they being our Soverane Lordis trew subjectis, obeydient to all guid ordour of law and justice, considdering they war and standis dewlie and ordourlie relaxit fra the said pretendit proces of horne led aganis thame, and the mater dependand under reductioun befoir his Hienes and the saidis Lordis of Secreit Counsale." At the time of the granting of the said commission "the veritie of the said relaxatioun wes purposlie conceillit and suppressit; as alsua the said horning wes maist unordourlie grantit aganis the said shereff,—to charge him, being ane ordinar juge, and his deputis, freindis and servandis, to deliver the escheit guidis within xlviii houris under the pane of rebellioun, and gif they failyeit to denunce thame rebellis, without cognitioun in the caus nevir being callit, and the mater
Page 128. in itself being alwyse civile." Had the facts been known, "the said commissioun hed not bene grantit upoun the saidis complineris, his Hienes obeydient subjectis, as thoch they had bene rebellis for sum greit tressoun, cruell slauchteris, or utheris enorme crymes, nor the executioun thairof hed not bene directit to thair particular unfreindis, namelie, to the said Lauchlane M^cIntosche, being a chiftane of ane hieland clan, the tennentis and servandis of sindrie landislordis, and he and they gevand litill gude

obeydience to ony ordinar law and justice, and in respect thairof the mair unmeit to have commissioun aganis the said sheref and his deputis in caise they war at the horne, as they ar not." Their prayer, accordingly, is that the said commission be simpliciter suspended and discharged. The parties having been all summoned, and now "the said James Dumbar, Sheref of Murray, compeirand personalie, with Maister Johnne Prestoun his prelocutour, and the said Maister Johnne compeirand alsua as procuratour for the saidis deputis, and the saidis Alexander Wynsister, Lauchlane M°Intosche, and Robert Innes of Innermerkie, being oftymes callit and not compeirand," the Lords "suspendis and dischairgis simpliciter the said commissioun and all executioun thairof." Acta 1577–79.

Stirling Castle, 27th January. Caution for the Laird of Guthrie.

Caution by Johnne Erskin of Balhagartie for Alexander Guthrie of that Ilk, that the said Alexander will appear before the King and Council on the 15th of March next, and meanwhile will keep the peace towards "Maister David Gardin of that Ilk, Mr Gilbert Gardin of Boith, Andro Hereyeld, citiner in Brechin, Robert Gardin in Lathin, and Alexander Gardin of Freok, thair men, tennentis or servandis," under pain of £1000.

Caution for David and Gilbert Garden.

Counterpart caution by Master David Gardin of that Ilk and Master Gilbert Gardin of Boith for the appearance of themselves and of Andro Hereyeild in Breichin, Robert Gardin in Lathin and Alexander Gardin of Freok, before the King and Council on the same day, and for their good behaviour meanwhile to the Laird of Guthrie, the penalty to be a thousand pounds for each of the two principals, and 500 merks for each of the others. Page 129.

Band by Lord Maxwell for the surrender of Lochmaben Castle.

Band by Lord Maxwall for the surrendering to Lord Hereis, on the 2nd of February next, "the place, castell, and fortalice of Lochmaben, togidder with all scrollis, rollis, and bandis maid to him as Warden for entrie of quhatsumevir personis, as alsua all prissoneris remaning presentlie in the plege chalmer," under the pain of 5000 merks, and for his fulfilling of "the charge gevin to him for his remaning within the burgh of Striviling quhill he find souirtie" to that effect.

Stirling Castle, 30th January.

Sederunt—Colinus, Comes Ergadie; Joannes, Comes de Montrois; Willelmus, Dominus Ruthven; Adam, Commendatarius de Cambuskynneth.

Andrew Macfarlane and others denounced.

As Andro M°Farlan of the Arroquhar, James M°Condoquhy M°Farlane in Illinvow, Malcolme Beg M°Farlane in Lettir in Stragartnay, have not obeyed the summons to appear under pain of horning [*ante*, pp. 59, 60], it is now ordered that the penalty take effect.

Stirling Castle, 4th February.

Complaint of "Margaret Colvile, relict of umquhile Williame Menteith

1577-79. of Randifurde, and James Cunninghame, now hir spous," as follows:— "The said Margaret hes intertenyit James Menteith, hir sone, at the sculis in the burgh of Striviling thir sevin yeirs bypast, and wes of full and deliberat mynd to have continewit him thairat till he hed attenit to sum knawlege and understanding. Notwithstanding, Alexander Menteith, of the speciale causing, command, assistence and ratihabitioun of Johnne Menteith, fader broder to the said James, Williame Menteith of West Kerse, and utheris thair complices, havand na respect, as appeiris, to the weill and commoditie of the said James, upoun the day of Januare instant, come to the scule quhair he wes for the tyme, and upoun conditioun to bring him agane within twa dayis, obtenit licence from the maister to tak him away; and thaireftir convoyed him to the said Lard of Kersis place, quhair he remanit a certane space, and fra thine, as the saidis complineris ar informit, wes convoyit to Edinburgh and thair keipit and detenit be the foirsaidis personis and utheris in thair names; thinking in the menetyme be persuasioun to abuse his simplicitie and youth in causing of him to cheis curatouris to serve thair turne: quhilk appeiris to be verray dangerous, seeing it is of veritie that the maist part of the said James Menteithis landis ar haldin blanche and tailyeit to the said Lard of Kersis hous, swa that, he inlaikand, the said Lard of Kerse is immediat successour to him, and thairfoir of law and ressoun aucht not to have him in custody and keiping, for sindrie presumptionis that may be allegit in the contrair." Charge having been given to the parties complained against to produce and exhibit the boy before the Council and abide their decision, and the charge having been obeyed, the Lords of Council "thairfoir suspendis the charge of the saidis letters gevin aganis the said Williame Menteith of West Kerse, Johnne Menteith, and Alexander Menteith, in respect of the said exhibitioun, and ordanis the said James to remane at scule and buirding as afoir he wes removed; and ordanis the chesing of his curatouris to stay and ceise quhill the xv day of Marche nixt to cum, as wes appointit betwix the Lordis of Ergile and Mar, to quhom the said James wes left be command of his fader."

Margaret Colville, widow of William Menteith of Randifurd, against her late husband's relatives, for the abduction of her son.

ge 130.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Robertus, Dominus Boyd; Adam, Commendatarius de Cambuskynneth.

Stirling Castle, 12th February.

Complaint of "Sir Williame Murray of Tullibardin, knycht, comptrollar, and Alexander Durhame, burges of Striviling, provisour of his Hienes house and of the hous of umquhile his traist cousing and uncle, James, Erll of Murray, lord Abirnethie, regent to his Majestie," as follows:— "The said Alexander being provisour of the saidis houssis in the yeiris of God j^{m}v^{c}lxviii and lxix, payment sould have bene maid to him of the haill maillis and dewiteis of the landis and lor[d]schip of Ettrik Forrest the yeiris foirsaidis to the furnissing of the saidis houssis." By collusion, however, with "Williame Barry, messinger, collectour of the maillis of

Thomas Dalgleish and other feuars of Ettrick Forest denounced.

'age 131.

the said lordschip for the tyme," certain of the feuars and tenants, although Acta 1577–7
"restand awand" certain sums in a roll subscribed by Barry, had evaded payment, alleging that they had Barry's private acquittance: "thay ar to say,—Thomas Dalgleische of Dewchar, the maillis thairof, xxv ℔.; George Hoppringle of Newhall, the rest of the maillis of his steding, extending to vi ℔. xiii ß. iiii ₰.; George Ker of Lintoun, for the maillis of Fairnyley, xxv ℔.; Johnne Turnbull of Hucrawburne, for the maillis of the said steding, viii ℔.; and Robert Michelsoun of Blakhauch, the sowme of lx ℔., for the maillis restand be him of the yeiris foirsaidis." Having been summoned to appear and either produce their alleged acquittances or make payment of the sums due under pain of horning, they had given no satisfaction, but had merely alleged again "that they had acquittances and that the samin war tint in trublous tymes." And now, the charge having been repeated, and the defaulters not appearing, the order is given to denounce them rebels, and to escheat, etc.

Stirling Castle, 14th February. Caution.

Caution by Williame Dowglas of Lochlevin for the appearance of Johnne Irvin of Kynnok on the 6th of March next, under the pain of 500 merks.

Stirling Castle, 16th February.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Page 132.
David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth.

The duties of Lochmaben to be paid to Lord Herries.

Although the King, on the 24th of January last, revoked the tack of the castle, lands, rents, fishings, etc., of Lochmaben, granted in his minority to Lord Maxwall, then warden of the West March [*ante*, p. 89,] and although by subsequent order [p. 92] the same has been transferred to Lord Hereis, the present warden, yet the tenants of the same "on nawayis will answer, obey, or mak payment" of their dues to Lord Hereis. It is now ordained that they do so within ten days after being charged, under pain of rebellion and horning.

M^{c}Lean of Dowart and the Earl of Argyle.

Complaint by Lauchlane M^{c}Clayne of Dowart, as follows:—"Upoun the fourt day of Januar instant, Makcondoquhy of Inverraw, with his complices to the nowmer of thre scoir personis or thairby, bodin in feir of weir, with bowis, dorlochis, haberschonis, and utheris wappynnis invasive, off the speciale cawsing, hounding, sending, art, parttaking, command, assistence and ratihabitioun of Coline, Erll of Ergile, lord Campbell and Lorne, etc., his maister, come to the said Lauchlanis yle of Loyne, and thair, eftir greit spoliationis and reif of guidis, maist cruellie and unmercifullie slew umquhile Robert Tailyeour and M^{c}Ingoun, servandis to the said Lauchlane, and als put violent handis on the persoun of George Smollet, capitane of the said Ile, and, eftir they hed deidlie woundit him, they transportit him to the said Erllis place of Incheconnell, quhairin as yit they detene him as captive and prissonar, usurpand thairthrow our Soverane Lordis auctoritie upoun Page 133.

1577-79. him, he being his Majesteis frie lege; lyke as, eftir the heirschip of the haill Yle, thay have intrusit thameselffis in the place of Loyne, and hes fortifiit the same, tending to retene the same fra the said Lauchlane, and to mak sorningis in the haill cuntrie, and then to have thair refuge thairto, to the greit inquieting of the cuntrie, committand heirthrow convocatioun of his Hienes liegis, slauchter, and manifest oppressioun." Letters in usual form had been issued, charging the Earl of Ergile to appear and answer the complaint; and now, "the said Erll of Ergile compeirand be Robert Boyall, his procuratour," and "the said Lauchlane M°Clayne of Dowart being oftymes callit and not compeirand," the procurator for the Earl "protestit thairfoir that the said Erll mycht be fred and relevit of the saidis letters, in respect nane compeirit to persew him according thairto, and that he sould not be haldin to answer in tyme cuming, quhill he be first lauchfullie and ordourlie chairgit, and his expenssis payit; quhilk protestatioun the Lordis of Secreit Counsale admittit."

David Forsyth and the parishioners of Bolton against the Archbishop of St Andrews, for intruding a new minister into the parish.

Complaint by "David Forsyth, minister at Boltoun, and the parochineris of the paroche kirk of Boltoun, lyand in the diocie of Sanctandrois, within the sherefdome of Edinburgh, and constabularie of Hadingtoun," as follows:—"The saidis parochineris hes, thir diverse yeiris bigane, sustenit thair awin minister for the maist part thaimselffis quhill forder ordour sould be taikin thairanent; and in the menetyme, umquhill Andro Symsoun, last vicar of Boltoun, deceisand, thay procurit our Soverane Lordis presentatioun direct to Patrik, archibischope of Sanctandrois, to ressave and admit the said David Forsythe to the said vicarage, becaus the writar and registrar of the presentationis would not direct the same to the Commissionar constitute be the Kirk within the saidis boundis; and, quhen the said David required the said Archibischope to gif him admissioun, he culd not obtene the same, becaus he had gevin, as he affermit, ane uther admissioun of the same vicarage of befoir to the said [*sic*]
Page 134. Johnne Sinclair, redar at Drumfreis, albeit in verray deid the said Archibischope had na commissioun of the Kirk of the visitatioun of kirkis and boundis quhair the said vicarage lyis, nor nevir used ony office of bischoip or visitour thairin sen he wes bischop of Sanctandrois. Nevirtheles, upoun the said pretendit admissioun, the said Johnne Sinclair, standing in the charge of ane reidar at ane uther kirk, thre scoir mylis and mair distant frome thair said paroche kirk, hes laitlie cummit to the same, with his complices, and forceblie and be way of deid, upoun ane werk day quhen the parochinneris war absent, brak up the said kirk dur, enterit thairin, and on his pretendit maner hes tane institutioun of the said vicarage, upoun the said admissioun gevin him be the said archibischope, and hes callit the saidis parochinneris to heir and se letters gevin in the four formes to answer and obey him thairof; and swa it is intendit to intrude upoun thame ane simpill reidar, be taking him fra his service in ane burgh quhair he is alreddy setled and plantit, aganis the myndis and consentis

of the saidis parochinneris of Boltoun, and thairby to put fra thame thair awin minister, quha may be ressonabillie sustenit upoun the said vicarage, be ressoun it hes sum portioun of teindschevis annexit thairto; and, the rentall thairof being trewlie gevin up and considderit, it is of gretar availl then aucht to be gevin to a redar be ony forme or ordour yit ressavit; and, gif this dangerous preparative sould be sufferit to have place and pas fordwart, it sall not onlie be hurtfull to the saidis complineris in particular, that in place of a minister salbe constrynit to tak a redar upoun ane ministeris leving out of the fruittis of thair lawbouris, bot als the exampill sall augment farder abuse, ignorance and corruptioun, and sall establische ane ursurpit jurisdictioun in the bischopis, quhen it sall pleis thame to admit or displace at thair appetite in materis not committit to thame be the generall Assemblie, quhairunto they thameselffiis, and specialie the said archibischop of Sanctandrois, hes submittit himselff." Parties being now called, and "the saidis David Forsyth and Johnne Sinclair compeirand baith personalie, and the absence of the said Archibischope being excusit be his awin letter," the Lords refer the matter to the next Parliament.[1] Acta 1577–7

Stirling Castle, 20th February.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth. Page 135.

Gordon of Gicht, and his Cautioner, John Blackadder of Tullyallan.

Although there had been an act of caution on the 5th of November 1576 by Johnne Blacader of Tulliallane for the appearance of George

[1] The appointment of Patrick Adamson to the Archbishopric of St Andrews by the Regent Morton in 1576 had given great offence to his brethren of the Kirk, then more zealous than ever for the abolition of the remnants of Episcopacy in Scotland, and the settlement of the Kirk on a strictly Presbyterian basis. There had been discussions of his case in several recent General Assemblies; and an Act of the Kirk had been passed in that of April 1578, ordaining all existing Bishops and other church dignitaries to be called simply by their own names in future, and styled only *Brethren*, and condemning future elections to bishoprics, even on such terms, till there should be further consideration. A subsequent General Assembly, in June of the same year, had unanimously "concludit that the said Act sall be extendit for all tyme to cume, ay and while the corruptione of the Estate of Bischopes be allutterlie taine away, and that all Bischopes alreadie electit be requirit particularly to submit themselfis to the Generall Assembly, concerning the reformatione of the corruptione of that Estate of Bishops in thair persones," under pain of excommunication. (Booke of the Universall Kirk of Scotland, under date.) Adamson was understood to have made this submission in that Assembly; but he had since then been in co-operation with the new Government of Morton for the full assertion of his Archbishopric, and a Commission of the General Assembly of October 1578 had been consequently appointed to deal with him for his transgressions, and to proceed to his excommunication if necessary. He was now, therefore, in the hands of that Commission, who were pressing various charges against him. The chief was, "that he, having submitted himself to the Assemblie, past immediately after his submission and voted in Parliament" (*i. e.*, in the Parliament at Stirling, in July 1578); but one of the others was "that he had gevin collatioun to Johne Sinclare of the vicarage of Bolton, having no power of visitation in the bounds where the said vicarage lyeth." (Calderwood iii. 445.) The present complaint of the Parishioners of Bolton to the Privy Council was, therefore, one incident in the struggle of the Kirk against Episcopacy in the person of Adamson.

1577–79. Gordoun of Geycht when required, and also for the good behaviour of him and his, under the pain of £5000 [vol. ii. p. 720], it is complained, that "the said George Gordoun hes not keipit gude reule in the cuntrie sen the dait foirsaid of the said act, in sa far as he continewallie sensyne hes resset within his place of Geycht Williame Gordoun, sone to Johnne Gordoun of Ardmauchar, our Soverane Lordis rebell, and at the horne for art and part of the cruell slauchter of umquhile Thomas Fraser of Straichin, and upoun diverse utheris landis within his boundis and jurisdictioun; lyke as the said Williame presentlie dwellis and remanis upoun the said George propir landis and heretage of Litill Ardoch, quhairin be hes remanit this lang tyme bigane, suppleit, intercommonit with, fortifiit and manteinit be him." It is represented therefore that the said Blacader, cautioner for Gordoun of Geycht, "hes incurrit the foirsaid pane of five thowsand pundis." Letters of summons having been issued, and "the said Johnne Blacader of Tullyallane compeirand be Robert Erskin, his sone in law and procuratour, quha enterrit and presentit
Page 136. personalie the said George Gordoun of Geycht, and tuke instrumentis that the said Johnne had satisfied and fulfillit the command of the saidis letters in that part," and there being no appearance for the prosecution in the person of the Lord Treasurer, the King's advocates, or any other official, the said George Gordoun of Geycht "askit instrumentis that his said souirtie and he had obeyit and fulfillit the command of the charge of the saidis letters, and that nane compeirit to persew him according thairto, and that he sould not be haldin to answer in tyme cuming, quhill he be first lauchfullie and ordourlie chairgit and his expenssis payit." The Lords admit this protest of Gordoun, "finding and declairing notwithstanding that the said Johnne Blacader, his cawtioun, standis obleist as afoir according to the said act."

Renewal of annual Proclamation for keeping Lent.

Re-issue, almost word for word, of the Proclamation of February 22nd, 1573–4, beginning "Forsameikle as, albeit in the spring tyme of the yeir, callit Lentren, all kyndis of flesche debilitattis, decayis, and growis out of seasoun," and prohibiting the eating of flesh by the lieges during that season. See *ante*, vol. i. pp. 200 and 611 for the earliest occurrences of the Act, and vol. ii. pp. 337–8, 431, 500, and 593, for notices of renewal. The prohibition now is to extend from March 8 to April 19.

Jardane of Applegirth denounced.

Page 137. Order for denouncing Sir Alexander Jardane of Apilgirth, knight, for non-appearance this day before the King and Council to answer charges.

Stirling Castle, 20th February.

Case of William Somerville in East Forth.

ge 310–11. Williame Somervile in Eist Forth, within the barony of Carnwath, tenant and servant of Hew, Lord Somervile, represents that the said Lord, "be the persuasioun of the said Williames ewill nychbouris," had obtained commission to try him by an assize for theft, and that he now stands convicted of stealing a sheep and some money on no other evidence than that "his doig wes sene the nycht of the taking of the said money." The crimes

seeming "sa sclender and of sa lycht availl to tak his life for," the more "as his escheit is alreddy disponit," Lord Somervile "hes as yet stayit the pronunceing of the dome aganis him quhill Monnonday nixt, and than intends to execute him to the death without we mercifullie luke upoun his innocencie and hard handilling." Such is the complaint; and now, the complainer having appeared by two of his brothers, and Lord Somervile having appeared personally, the said Lord, after deliberation, is ordained to "execute justice conforme to the said commissioun and lawis of this realme, as he will answer to God and our Soverane Lord thairupoun." Acta 1577–79.

Stirling Castle, 21st February.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth. Page 137.

Widow of Kirkcaldy of Grange presented by her sureties.

Johnne Anstruther of that Ilk, appearing for himself and for Sir Patrik Leirmonth of Dersey, knight, "enterit and presentit Margaret Leirmonth, relict of umquhile Sir Williame Kirkcaldy, sumtyme of Grange, knycht," for whose appearance they had been cautioners, and protested that therefore the act of caution should be deleted from the Books of the Council, so that they might not be further troubled in the matter: "quhilk protestatioun the saidis Lordis admittit." [See vol. ii. pp. 709, 727, and *ante*, p. 75].

The King not to interfere in private actions and causes.

"The quhilk day the Lordis of Secreit Counsale hes thocht meit and expedient that the Kingis Majestie sould not writ to the Lordis of his Hienes Counsale and Sessioun in furtherance or hinderance of ony particular personis actionis and causis in tyme cuming, bot suffer thame to proceid and do justice in all actionis privilegit to be decydit be thame, as they will answer to God and his Hienes thairupoun."

Stirling Castle, 23rd February.

Sederunt—Rex; Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth.

Archbishop of Glasgow against Robert Boyd of Badinheath, and others.

Complaint by James, Archbishop of Glasgow, as follows:—"Robert Boyd of Badinheath, Patrik Colquhoun, broder to Johnne Colquhoun of Kilmerdony, George Esdaill, sclater, Martine Pettigrew, Hectour Dunlope, wrichtis, Williame Dunlope, masoun, Williame Blaikwod, querriour, Laurence Contyne, barrowman, burgessis and indwellaris in Glasgow, Johnne Boyd, masoun, dwelland in Kilwynning barony, Robert Crawfurde in Badinheth, and Johnne Mochrie in Myvett, wrichtis, and thair complices, to the nowmer of personis or thairby, at the speciall command of the said Robert Boyd of Badinheth, upoun the tent day of Januar last bipast or thairby, come to the castell Page 138.

a 1577-79. and fortalice of Lochwod, lyand in the barony of Glasgow, regalitie of the samin, and sherefdome of Lanerk, pertening to the said Archibischop as ane manse and propir part of his said bischoprik, and maisterfullie, without ony feir or aw of his Hienes, enterit in the said hous, tuke doun the syleringis of the same, being of fyne eistland wod, properlie mullerit and schorne in fair and curious work, and thaireftir tuke doun the sklait ruife, tymmer, laith, and uther tymmer and yron work of the said house; and, be assistence of the haill tennentis of the landis pertening to the said Lard of Badinheth and utheris of the barony of Monkland, cariit away the saidis haill tymmer, sklait, yronwerk, and all uther lowise werk that they could find in the said place, sic as buirdis, furmis, and sic uther work, to the place of Badinheth, quhair the same wes ressavit be the said Lard. Quhairupoun, Thomas Huchesoun, servand to the said Archibischope, and alsua his chalmerlane, heiring of this disordour, and that they war purposit to dimolische the haill hous, upoun the xvii day of Januar, befoir they hed cassin doun ony greit part thairof, he past unto the saidis personis, and in presens of ane notar and witnessis prohibit the said Patrik Colquhoun and uthers, the said Larde of Badinhethis servandis being in his cumpany, in his Hienes name, and in the name of the Erll of Eennox, baillie of the lordschip of Glasgow and of the said bischoprie, that they sould proceid na forder in dimolischeing of the said hous nor ony part thairof, as autentik instrumentis taikin thairupoun proportis. Notwithstanding, they ceissit not; bot, continewing still in thair weikit interpryise, the said Patrik Colquhoun, for himself, and in name of the remanent personis in his cumpany, answerit that they wald not stay the thing that they had begun without speciale command and warrand of thair maister, the Lard of Badinheith; and swa, without ony forme, titill, ground of law, or ressoun, maist unordourlie in weirlyke maner dimolischit the said haill hous, be underpropping it with tymmer, and thaireftir fyiring the same proppis, quhairthrow the maist part of the said haill hous is utterlie cassin doun to the ground. And, upoun Monnonday, the secund day of Februare instant, the said Bischope past himself to the said hous, accumpanyit with George Elphingstoun and Williame Cunninghame, baillies of the said burgh of Glasgow; quhair he fand the ane half of the said hous alreddy fallin to the ground, and the uther half standand upoun ellevin trie proppis, reddy to be fyirit and dimolischit, lyke as it is alreddy dimolischit, as is reportit be him, in hie and manifest contemptioun of his Majestie and his auctoritie, hurt of the patronage of the said bischoprik of Glasgow, and owirthraw of the policie of the
Page 139. cuntrie." The parties complained against had been summoned in due form; and now, they and the complainer appearing personally, the Lords, after consideration, "continewis the said mater in the samin forme, force, and effect as it is now, but prejudice of partie, quhill the xiiii day of Marche nixt to cum," at the same time ordering the Laird of Badinheth "to desist and ceise frome all forder distructioun of ony policie of houssis, biggingis, woddis, and growand treis, about the said hous of

Lochwod," and also the Bishop to cease from molesting the Laird or any of his accomplices for what had been done already.[1] Acta 1577–79.

Stirling Castle, 25th February.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth.

Prorogation of the day for bringing in silver pieces to the Mint.

Recitation of the former Act and Ordinance of Council of July 29, 1578, in conformity with an Act of Parliament of the same month for calling in "xxx, xx, and x s. pecis, with the testanis," by the 1st of March next at certain prices, to have the same examined at the mint, and the true and standard coins stamped for reissue at certain rates [see *ante*, pp. 17–18]. Then farther order as follows:—"Albeit, according thairto, thair be alreddy a greit nowmer of the saidis pecis markit and gevin out to have course in maner abonewrittin, yet is it meanit that the full and haill nowmer of the saidis pecis is not yit markit; quhairthrow, albeit his Majestie hes just caus alsweill to discharge thame to have course or passage eftir the said first day of Marche nixt to cum as to puneis the personis with quhome they salbe fund thaireftir, conforme to the said Act, yit his Hienes, being willing to schaw lenitie and favour to all his gude subjectis, and to tak away from thame all pretens of ignorance upoun quhatsumevir cullour, hes, thairfoir, eftir mature advise and deliberatioun, thocht gude, concludit and ordanit that the day be prorogat to the first day of Maii nixt to cum." Proclamation is to be made to that effect at the market crosses of the head burghs, and the coins are to be brought in or sent to the Mint without fail on or before the day so appointed. Page 140.

Mutual assurances between the Kers of Cessford and the Turnbulls of Bedrule, &c., to be continued.

The Lords of Council understand that, by command and persuasion of Lord Ruthven, his Majesty's Treasurer, and lately his Lieutenant on the Borders, "thair wes assurances grantit and gevin betwix Sir Walter Ker of Cesfuird, knycht, and Williame Ker, his sone and appeirand air, on the ane part, and Andro Rutherfurde of Hundolie, Johnne Rutherfurd of Hunthill, Richart Rutherfurde of Edyarstoun, Thomas Turnbull of Beddroule, knycht, Williame Dowglas of Bonejedburgh, and the provest and baillies of Jedburgh, on the uther part, and lykwyise betwix the said Sir Thomas Turnbull of Beddroule, knycht, on the ane part, and George Dowglas, younger, of Bonejedburgh, on the uther part, to have indurit quhill the thrid day of Marche nixt to cum, to the effect that, at the court of justiciarie appointit to have bene haldin within the tolbuith of the burgh of Jedburgh upoun the secund day of Februar instant, travellis and Page 141.

[1] James Boyd, titular Archbishop of Glasgow since 1572, was very much in the same position about this time, with regard to his brethren of the Kirk and the Presbyterian mass of his fellow-countrymen, as Patrick Adamson, Archbishop of St Andrews (see *ante*, p. 96, footnote). Recent General Assemblies had been calling him to account; and he had as yet refused to submit himself to the Kirk, as required in 1578, "for reformation of the corruption of the Estate of a Bishop in his person." It is possible that the outrage he now complains of had to do with his ecclesiastical unpopularity.

Acta 1577–79. ordour then mycht have bene taikin for removing of the variance and contraversie standing betwix thame, to thair satisfactioun and the commoun quietnes of the cuntrie. Quhilk court of justiciarie being now continewit to the xii day of Aprile nixt to cum, necessar it is alsua that the saidis assurances be prorogat and subscrivit of new, to indure quhill the first day of Maii nixt thaireftir." They therefore order letters to issue charging the said parties to renew their assurances accordingly, under pain of rebellion and horning.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth. Stirling Castle, 26th February.

Complaint of George Gray in Galtounsyde, and Johnne Thomsoun, James Boustoun, and George Holme, "puir tennentis and fermoraris" there, as follows:—"Walter Scot, younger, of Tuschelaw in Hartwodmyires hes, thir diverse and sindrie yeiris bigane, sen the deceis of umquhile Maister Michaell Balfour, last abbot of Melros, taikin up at his awin handis in forceble maner, without all ordour of law and justice, the maist part of the saidis puir tennentis fermes, for the payment quhairof they yit stand in danger, to thair greit appeirand wrak and heirschip; quhairwithall the said Walter not resting satisfiit, bot still proceiding in his accustumat maner of oppressioun, laitlie, upoun the Page 142. xxvi and penult dayis of Januar last bipast, be himself, James Scot, his broder, Walter Scot, his sone, James Scot, sone to the baillie of Selkirk, Williame Scot in Selkirk, Dande Scot thair, and utheris his servandis and complices, off the sending, ressetting, command, assistence, and ratihabitioun of the said Walter Scot, come and brak up the saidis complineris barne durris, reft, spuilyeit, and tuke furth of the same thair cornis at thair plesour; and, quhair the said George Gray wantit cornis, they reft and tuke fra him thre oxin and ane kow, and hes thairby laid his pleuch, quhairthrow his mailling is lyke to lye unteillit and lawborit, to his extreme wrak and heirschip: they all being puir lauboraris of the ground and fermeris that hes sustenit this oppressioun sa lang as they could, and now is constrynit to lament thair wrangus and unressonabill handilling unto his Majestie and the Lordis of Secreit Counsale, in esperance of sum remeid. For nother ar the saidis complineris abill, nor dar they, entir in proces befoir ony uther juge, the said Walter being a clannit Bordour man, aganis quhome they will get na executioun, althoch thay obtenit nevir sa mony decreittis, and the haill valew of the guidis tane fra thame, althoch it be thair heirschip, is not abill to sustene the chairgis of the pley; nor yit have they ony assurance to leif unoppressit under his Hienes peax and protectioun in tyme cuming, without his Majestie provide thame sum present confort and remedy." The parties complained against had been summoned in usual form; and now, the four complainers "compeirand be Johnne Moresoun thair procuratour," but Walter Scot, Tenants of Galtonside against Walter Scott, younger, of Tushielaw.

younger, of Tuschelaw, and the other Scots, not appearing, letters of horning and escheat are ordered against them. Acta 1577-79.

Caution by Gordon of Gicht for himself, and deletion of the former caution for him.

Caution given by George Gordoun of Geycht, for himself, that he will appear personally before the Council at any time on a month's warning, and also that he, his kin, tenants, and servants "sall keip gude reule in the cuntrie in the menetyme," under the pain of £5000. In respect of this caution of the Laird of Geycht for himself, the previous caution for him made by Johnne Blacader of Tulliallane is ordered "to be deleit, sa that na executioun pas upon the same in tyme cuming." [See vol. ii. p. 711 and p. 720; also *ante*, p. 96-97.] Page 143.

Stirling Castle, 28th February.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth.

Three persons summoned to appear before the Council.

Letters ordered charging "Williame Henrysoun, sumtyme Bluidwite, Robert Stewart, sone to Capitane James Stewart of Cardonald, and Bruce, servand and secretar to James, sumtyme Archibischope of Glasgow,"[1] to appear upon the third day after receipt of the charge "to answer to sic thingis as salbe inquirit of thame," under pain of rebellion and horning.

John Hudson, an Englishman, against Thomas Kay.

Complaint of "Johnne Hudsoun, Englisman, citinar of York," as follows:—"Thomas Kay in Carraill, be his letters obligatouris, is bund to pay to the said Johnne ane hundreth and twentie pundis Striviling, for cornis sauld be him to the said Thomas this last symmer for the bettir support and furnissing of the subjectis of this realme in the lait derth; for the quhilk he hes constrynit the said Johnne to cum to this cuntrie to crave him, the terme of payment being of lang tyme bipast. Howbeit, the said Johnne can ressave na thing at the said Thomas handis bot frivolus delayis, intending to dryve the said Johnne in ordinar proces of law aganis him, not onlie to his greit wrak and undoing, bot to the hurt of the trew merchantis of this natioun; quhilkis, throw his dealing, will find the les credeit and furtherance quhen the like occasioun of necessity of vittuallis may occur heireftir." Summons having issued in due form charging the debtor to appear and answer in the matter this day, and now Page 144.

[1] This "James, sumtyme Archibischope of Glasgow," cannot have been James Boyd, the Archbishop now in office (*ante*, p. 98-100), but must have been James Beaton, the Roman Catholic Archbishop from 1551 to 1560. He was still alive, but living in Paris, whence he was still interfering in Scottish affairs in the same spirit as John Lesley, the exiled ex-Bishop of Ross (*ante*, p. 89, footnote). There were intercepted letters about this time both of Lesley and Beaton in Queen Mary's interest, and also of Queen Mary herself, revealing a new stirring at the French Court and other foreign Courts in her behalf, with a project for conveying James to France, and also the fact that the Earl of Atholl, the Chancellor of Scotland, and the Roman Catholic head of the late coalition against Morton, was in correspondence with Lesley (see Tytler, vol. iv. pp. 19, 20, edit. 1864).

cta 1577–79. he not appearing, while the Englishman does appear, letters of horning and escheat are ordered against the said Thomas Kay.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth. Stirling Castle, 1st March.

Re-issue of Proclamation of March 12, 1572–3, against transportation of native Scots abroad, or importation of foreigners into Scotland, without special licence [see *ante*, vol. ii. pp. 206–207]. The re-issue is, word for word, the same as that document, save that it runs in the name of the King and Council instead of that of Regent Morton and the Council. "Anent transporting of Passingeris."

Sederunt—Domini ut in die predicto. Stirling Castle, 2nd March.

"Secretar and your deputis: It is our will, and we command yow, that ye pas na signet to ony licences for eitting of flesche this present Lenterne, Page 145. quhill the same be first sene, considderit, and subscrivit be us and our Counsale, and that our servitour, Robert Neisbet, ischear of our hall dur, gif his testificatioun, granting him satisfiit of xx s. for everie ane of the saidis licences; and this for this present Lenterne onlie to indure. Subscrivit with our hand at our Castell of Striviling, the secund day of Marche 1578, and of our regnne the twelft yeir.—Sic subscribitur:—James, R. Mortoun. Eglintoun." Licences to eat meat in Lent.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 3rd March.

Representation by George Gordoun of Geicht that he finds himself in difficulties in the matter of the caution he has given for his good behaviour in lieu of the former caution given for him by Blacader of Tulliallane [see *ante*, p. 102]. The conditions of this band "he myndis and sall, God willing, observe and keip, and continew trew and obeydient subject to his Majestie;" but private parties have interpreted the band as entitling them to pursue him, for their own ends, in civil causes betwixt them and his tenants. Therefore, "gif his Hienes and Lordshippis sall not yit gif thair interpretatioun how far, and to quhome and for quhat caus, the said band maid be him sall extend, he sall be continewallie trublit and callit upoun wrangus and sinister narrationis of sic as seikis na thing les then the observatioun and keiping of gude reule and quietnes of his Majesteis obeydient subjectis, to the greit hurt of the said George, his freindis and servandis." His petition, accordingly, is that the King and Council "wald gif thair declaratioun quhidder the samyn sould extend for the said George obeydience and keiping of gude reule to his Hienes in tyme Gordon of Gicht and his late Band for himself.

cuming allanerlie, or gif ony his Majesteis subjectis sould tak occasioun thairby, upoun sinister narratioun to be maid be thame, to call and persew him at sic tymes as pleisses thame thairupoun." The decision is in his favour; for it "ordanis and commandis the Secretar and his deputis to direct na letters for calling of the said George Gordoun of Geycht for contravening of the Act abonewrittin, without it be upoun speciale occasioun committit be him aganis the Kingis Majesteis self or his auctoritie, and that upoun directioun of his Hienes with avise of his counsale and na utherwyise." Acta 1577–79. Page 146.

Stirling Castle, 3rd March.

Sederunt—Jacobus, Comes de Mortoun; Hugo, Comes de Eglintoun; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Page 155.

David Jamesoun against John Guthrie: charge of attempted murder.

Complaint by David Jamesoun in Tullybody Wodheid, as follows:—"In the latter end of hervest last bipast, Johnne Gorthie, his coittar, in the toun of Tullibody, tuik furth Katherene Hiltoun, his spous, to the cornefeild, under silence of nycht, and thair gave hir thre or foure straikis with ane hand aix on the heid, and twa straikis with ane knyf on the wamb, thinking then instantlie to have murtherit hir, and left hir as deid at ane stouke of the said Davidis, on beleif that it sould have bene said that he had gevin hir they straikis, and slane hir rubband his beir. But, finding that scho deit not presentlie of the saidis straikis, the said Johnne Gorthie brocht hir hame to his hous, and causit hir send for nychbouris, and perswadit hir to say befoir thame that the said David had gevin hir the saidis straikis, or ellis he had slane hir out of hand; throw quhilk weikit and fals report the said David hed bene estemit the murtherar of the said puir woman gif scho hed then deit. Bot, sensyne, scho, being sumquhat recoverit of the saidis hurtis (howbeit yit liklie to de thairwith with tyme), hes confessit the treuth of the said haill mater befoir James Seytoun of Tullibody, thair maister; howbeit the veritie wilbe alwyis suppressit, the offendour in sa foule and unworthy a cryme will eschaip puneisment, and the said David will still underly the sclander and perrell that is innocent, the said Katherene deceissing, as scho hes na appeirance of lang life, gif tymous remeid be not providit."—Charge had been duly "gevin to the said James Seytoun of Tullibody, maister to all the saidis personis, to tak, apprehend, and present thame" before the King and Privy Council, "to the effect that this mater, sa odious, may be tryit be privie inquisitioun of everie ane of thame severalie, and thaireftir be confronting of thame, and last be putting of thame to the knawlege of ane assyse." And now, "the said David Jamesoun compeirand personalie, and the said James Seytoun of Tullybody compeirand be David Flemyng, his procuratour, quha enterit and presentit the saidis Johnne Gorthie and Katherene Hiltoun befoir the saidis Lordis of Secreit Counsale, the Lordis of Secreit Counsale ordanis the said James Seytoun of Tullybody to keip the said Page 156.

ta 1577–79. Johnne Gorthie, and not to suffer him eschaip, quhill the said Katherene be visiit be the chirurgeanis gif hir hurtis be deidlie, that thaireftir ordour may be taikin with the said Johnne Gorthie as effeiris."

Sederunt—Domini ut in die predicto.

Stirling Castle, 5th March.

Page 157. "Forsameikle as, be act and ordinance of the Privie Counsale, maid in the moneth of Maii last bipast, Johnne, Erll of Mar, Lord Erskin, to quhome the charge of the keiping of the Kingis Majesteis persoun wes committit, wes commandit to suffer na persoun nor personis dissobedient to his auctoritie or knawin not weill affectit to his Hienes, thair wyffis, bairnis, or servandis, to be ressavit or sufferrit to have entres within the said castell thaireftir; as alsua that na Erll sould be ressavit within the said castell with ma nor twa servandis, na Lord with [ma] nor ane, nor na Gentilman bot singill and allane, and all without armour or wappynnis; and the nowmer of the haill to be ressavit att anis to be far within the ordinar nowmer intertenyit within the said Castell,—as at mair lenth is contenit in the said Act [see the Act, vol. ii. pp. 688, 689]: notwithstanding, as his Majestie and Lordis of Secreit Counsale is suirlie informit, thair is sindrie personis quhilkis hes repairit and repairis within the Castell of Striviling, and sumtymes to his Majesteis presens, in armes, and specialie with daggis, pistolettis, jakis, and secreitis of plait, express contrair to the said Act, quhairupoun forder inconvenient may fall out, to the trubling of the gude and quiet estait of his Majestie, gif tymous remeid be not providit: and thairfoir ordanis ane maser or officiar of armes to pas to the marcat croce of the burgh of Striviling, and utheris places neidfull, and thair, be oppin proclamatioun in our Soverane Lordis name and auctoritie, command and charge all and sindrie his Majesteis liegis, of quhat estait, degrie, or qualitie that evir they be of, that nane of thame tak upoun hand to cum or repair within the Castell of Striviling in armes during the tyme of his Majesteis remaning thairin, under the pane of deid; certifeing thame that dois in the contrair that the said pane salbe execute upoun thame without favour; and ordanis and commandis the said Johnne, Erll of Mar, his deputis, servandis, and officiaris, tak and apprehend all personis contravenaris heirof, and put and hald thame in suir firmance and captivitie, ay and quhill the said pane of deid be execute upoun thame, as they will answer to our Soverane Lord upoun the contrary."

Re-enactment that none repair within the Castle of Stirling armed while the King is there.

Registration of a band made by George Ramsay of Dalhoussie, undertaking that his servant, Andro Gardinar of Wichtlandis, who is charged with being "airt and part of the slauchter of umquhill Johnne Levingstoun, Page 158 cutellar, laitlie committit upoun the landis of Poltoun," shall appear to answer the charge before the Council on 15 days' warning, "or at the thrid day of the nixt justice air of Edinburgh," under the pain of £200. Ramsay of Dalhoussie, the cautioner, appears and registers the band by "Maister Johnne Frude, advocat," one of three procurators he had

Band by George Ramsay of Dalhousie for his servant, Andrew Gardiner.

appointed, the other two being Johnne Prestoun and Edmond Hay; and the witnesses to the band, executed at Striviling, March 5, are "James Ramsay of Cokpen, Patrick Ramsay in Fuldane, Johnne Megat, and Robert Ramsay, notar publict, with utheris diverse." Acta 1577–79.

Stirling Castle, 9th March.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Hugo, Comes de Eglintoun; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Protest in the case of Christian Scrymgeour against John Irvine.

Reappearance of the case of "Cristiane Scrymgeour, relict of umquhile Alexander, Bischope of Ross" [*ante*, p. 88]. The King's advocate, Robert Creychtoun of Eliok, and Hew Tod, procurator to the said Cristiane Scrymgeour, represent as follows:—Upon her complaint against Johnne Irvin of Kynnok, "allegeand that the said Johnne not onlie stoppit hir to leid elding to the place of the Channonrie of Ross in the monethis of September and October last bipast, bot also in the tyme of the deceis of hir said umquhile spous circuit the said place about with armit men, and eftir his deceis tuke the samin place and ejectit hir furth thairof," she had obtained letters of summons against the said John; and afterwards, on his non-appeance, she had obtained other letters, of rebellion and horning against him. Since then, however, the said John had, by other letters, "obtenit himself relaxt fra the said proces of horne," and also charge to "the saidis Cristiane Scrymgeour and our Soverane Lordis advocattis to have compeirit befoir his Hienes and the saidis Lordis of Secreit Counsale at ane certane day bipast," to show cause why the letters of horning against him should not be suspended simpliciter. Parties being now called, and "the said Johnne Irvin oftymes callit and not compeirand," the said King's advocate and the said procurator for the other party "protestit that the said Cristiane Scrymgeour and advocattis sould not be haldin to answer forder to the saidis letters purchest be the said Johnne Irvin, quhill they war of new chairgit agane be utheris letters, and that the foirsaidis letters purchest aganis him mycht be put to forder executioun. Quhilk protestatioun the saidis Lordis of Secreit Counsale admittit." Page 159.

Robert Bruce, servant of the ex-Archbishop of Glasgow, denounced.

Robert Bruce, "servand and secretar to James, sumtyme Archibischope of Glasgow" [see *ante*, p. 102, and footnote there], to be denounced rebel, and put to the horn and to escheat, for neglect of previous summons to appear.

Stirling Castle, 10th March.

Sederunt—Domini ut in die predicto.

Repetition of order for preserving deer on the Borders.

Repetition, almost exactly word for word, of former order, of March 27, 1576, for proclamation against irregular killing of deer "within boundis of the Megotland, Eskdaill Mure, and utheris boundis ewest the Bordouris of

1577–79. this realme, quhair our Soverane Lordis progenitouris had wont to have
ge 160. thair cheif pastyme of hunting" [see vol. ii. p. 506].

Order for denouncing Alexander Trottar in Goddis Croft, and Niniane Trottar, his son, for having neglected previous letters of the King and Council requiring their appearance this day.

Alexander and Ninian Trotter in Godcroft denounced.

Complaint of Thomas Doby, burgess of Selkirk, as follows:—"In November last bipast or thairby, Robert Doby, burges of Selkirk, and James Doby, indwellar thair, send for the said Thomas oft and diverse tymes to have cumin to compt and rekning with thame, and to have maid him payment of certane sowmes of money and uther geir borrowit
Page 161. and tane up be thame fra the said Thomas to thair utilitie and use; and, he at last cuming to thame, lippaning na ewill in thair handis, they being his awin naturall brether, yit they, na thing respecting the neirnes of blude, and thairby the broderlie effectioun that they aucht to have borne to him, he behaving himself evir as a trew and faithfull broder to thame, and debursing his geir in greit quantitie at diverse tymes for thair relief, they maist unnaturallie, with Johne Dun in Brigheuch, tennent to Thomas Ker in Sunderlandhall, and Thomas Dun, indwellare in Selkirk, eftir they had intysit him to cum to the said Robert Doby his broderis hous, and thairfra to his stabill, they unmercifullie and inhumanelie dang him with mony bauch straikis, band him fute and hand, and spuilyeit him of his jak, plaitslevis, his pistolet, his belt and furneist quhinzear, his gartanis and his purse, with sindrie pecis of money and writingis being thairin, without ony occasioun or querrell, as God knawis, and kepit him bund quhill he sould have fund souirtie to discharge all dettis resting him be thame."—The parties having been duly summoned, and "the said Thomas Doby compeirand personalie, and the said James Doby, his broder, compeirand alsua personalie, for himself and in name of the saidis Robert Doby, James Dun, and Thomas Dun," there is the following allegation in defence: "The said Thomas Doby hes bene mad thir diverse yeiris bigane, lyke as he in his madnes hes sindrie tymes riddin day and nycht to and fra in the cuntrie, and specialie in the nicht, armit with jak, steilbonat, pistolet, sword, and lanse stalf, showtand and cryand maist feirfullie; as alsua, at the tyme abonewritten, hurt himslf with his awin quhinzear, and put ane cord about his awin nek to have hangit himself; quhairupoun the said James, being moved of broderlie lufe, and feiring that the said Thomas sould haif put doun himself, tuke and band him, and thaireftir tuik fra him sic armour and wappynnis as mycht hurt him or ony utheris; and utherwayis committit na spuilyie nor uther injurie to him." It being impossible to decide at once between the conflicting statements, "the Lordis of Secreit Counsale ordanis the provest and baillies of the toun of Selkirk to call baith the partiis befoir thame, and tak tryell and ordour anent the premissis, causing and compelling the

Thomas Doby of Selkirk, against his two brothers and others.

partie grevit to be satisfiit and redressit according to ressoun and equitie," Acta 1577–79, or else reporting further to the Council.

Stirling Castle, 12th March.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Page 162. Colinus, Comes Ergadie; Hugo, Comes de Eglintoun; Joannes, Comes de Mar; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Joannes, Dominus Hereis; Henricus, Dominus Sinclair; Laurentius, Dominus Oliphant; Dominus Robertus Stewart; Episcopus Sanctiandree; Episcopus Brechinensis; Episcopus Glasguensis; Commendatarius de Dumfermling; Commendatarius de Deir; Commendatarius de Cambuskynneth; Commendatarius de Culros; Commendatarius de Balmerinoch; Clericus Registri; Clericus Justiciarie; Computorum Rotulator.[1]

Late decree for the reconciliation of Lord and Lady Borthwick cancelled, and former arrangement for Lady Borthwick's separate maintenance renewed.

Reappearance, at the instance of William, Lord Borthwick, of the dispute between him and his wife, Dame Grissell Scot [see *ante*, p. 54]. His complaint is that his wife, alleging that she has obtained a decision of the Privy Council, "decerning the said Lord to direct sum of his honest friendis to convoy hir to his place of Borthwik, and to interteny hir thaireftir as his lauchfull spous, and siclyke that he sould avoyd himself of the cumpany of Elspeth Prestoun and Margaret Scot, and not to suffer thame to have resset within his place of Borthwik," has raised letters of horning against him, or at least intends to do so. This, he represents, will be done "maist wranguslie," for these reasons:—In the first place, "the said Lord maist willinglie hes obtemperit and obeyit the said decreit, in sa far as, conforme to the same, he directit his servand, Williame Turnet, with his commissioun, accumpanyit with his honorabill friendis, to wit, Sir James Forrestare of Corstorphin, knycht, Sir Williame Lawder of Haltoun, knycht, Johnne Borthuik of Newbyiris, Maister Adame Johnnestoun, Commissionar of Lowthiane, Robert Wauchop of Nudrie Merschell, younger; quha past to the personale presens of the said Dame Grissell, his spous, in hir ludgeing in Edinburgh, and thair, conforme to his said commission gevin thame, requirit hir maist tenderly to cum and adheir to him conforme to the said decreit, to be treatit and intertenyit be him in bed, buird, and all uther honorabill wayis, conforme to hir estait, and according to the commandiment of God." In the second place, "the said Lord come to Edinburgh himself, to have ressavit hir, and to have had hir with him to his said place of Borthuik; quha, eftir lang delay, refusit contumatiouslie to do the same, as autentik instrumentis tane thairupoun, schawin and producit befoir his Hienes and Lordis of Secreit Counsale, proportis; sa that he did his exact diligence

[1] The large sederunt proves that this was no ordinary meeting of Council, but a Convention of nobles and prelates, together with members of the Council, for some special purpose. That purpose hardly appears in the pieces of business recorded for this day.

1577–79. page 163. to obtemper and obey the said decreit in that part, and the defalt wes in the part of the said Dame Grissell onlie." In the third place, "according to the said decreit, he hes removit the saidis Elspeth Prestoun and Margaret Scot furth of his said place of Borthuik; lyke as they ar presentlie in Edinburgh; quhair they have had thair residence this moneth bigane, and resortis na mair to his place; quhairthrow he hes not contravenit the said decreit in na point." Now, as the said decreet of Privy Council was given amicably with the consent and submission of both parties, "fra the quhilk the said Dame Grissell hes reclamit, and, be deliverance of the saidis Lordis gevin, is reponit agane as gif the said ordinance had nevir bene decernit, and, thairfoir, it is not ressonabill that the said decreit againis quhilk scho is reponit sould ressave ony executioun at hir instance aganis him," he pleads that the letters of horning against him, and execution of the same, ought to be suspended simpliciter. To meet this plea, Lady Borthwick, *alias* Dame Grissell Scot, has been summoned; and now, "the said Williame, Lord Borthuik, compeirand be Maister Johnne Prestoun, his procuratour, and the said Dame Grissell Scot compeirand personalie, with Maister Williame Harvy, hir prelocutour," the decision is as follows:—(1) "Suspendis the saidis letters of horning rasit and execute upoun the said Williame, Lord Borthuik, for non-finding of souirtie for removing of the saidis Elspeth Prestoun and Margaret Scot furth of his place of Borthuik, and frome his societie and cumpany allanerlie, simpliciter in tyme cuming, becaus the said Dame Grissell is reponit agane in the same place that scho wes in befoir the geving of the said decreit of reconciliatioun upoun the xiii day of December last bipast, and the said decreit dischairgit, lykeas the saidis Lordis be thir presentis dischairgis, and decernis the same to tak na forder executioun." (2) "Ordanis the decreit and letters gevin and direct for payment of hir expensis modifiit be the saidis Lordis during the tyme of the dependence of the actioun of divorcement persewit be hir to be put to forder executioun in all pointis, conforme to the tennour thairof" [see *ante*, p. 34].

Richard Abercromby, one of the Bailies of Edinburgh, against the Ramsays of Dalhousie.

Renewed complaint against George Ramsay of Dalhoussy and his family, by Richart Abircrumby, burgess of Edinburgh [see *ante*, vol. ii. pp. 608, 609]. Abircrumby, who, is now not only burgess of Edinburgh, but also one of the bailies thereof, is joined in the complaint by "Andro Lindesay, messinger, and the wyfe, bairnis, kin, and freindis of umquhile Johnne page 164. Levingstoun, Thomas Jowsie, and Williame Menzeis." The story is as follows:—The said Richard Abercromby, having "obtenit, be lauchfull and honest conqueist, the landis of Poltoun in Lowthiane, within five myles of Edinburgh, for large sowmes of money, debursit and payit be him thairfoir to the just heritour, and being possest in the same be the ordour and consuetude of this realme," had "prepairit for his plennissing thairof certain horssis, oxin, and utheris guidis, to lawbour and proffeit the ground and decoring the policie of the cuntrie, sa far as become him, in hoip to

have levit under our protectioun and defence fra manifest and oppin oppressioun of nychbouris thairabout." Acta 1577–79. It had turned out far otherwise; for, "within schort space eftir the said Richardis plenissing the ground, George Ramsay of Dalhoussy, being offendit, but ony just caus, aganis him, causit his sone Williame Ramsay, with Williame Borthuik of Collilaw, his sister sone, Johnne Gibsoun, alsua his sisteris sone, Johnne Diksoun, his houshald servand, and utheris thair complices, to cum to the said Richardis place of Poltoun, in the moneth of Marche, the yeir of God j^{m}v^{c}lxxvi yeiris, under silence of nycht, in secreit maner, conceilland thameselffis privilie; quhair they slew then sex of his horssis that lawborit the ground; quhairof as yit he hes gottin na remeid:" Farther, "not contentit thairwith, sensyne, laitlie in Februar last wes, the said Lard of Dalhoussy, his sonis, servandis and uthers freindis, being within the said burgh of Edinburgh, beirand thair injust malice and hettrent aganis the said Richart, the said Williame Ramsay, sone to the said Lard of Dalhoussy, injurit him with dispytefull wordis befoir the said Richardis knawlege of him, the said Richard being for the tyme upoun the Hie Streit, awaitting upoun the using of his office to the quietnes of the commoun weill, thinking to have attendit thairon, but contempt or offence to have bene done to him causles." On that occasion, "the provest, the uther baillies, and counsale of the said burgh, persaving the offence committit, they, be the ordour of the said burgh, tuik the said Williame to thair ward, quhairin he wes keipit a certane schort space, and then deliverit at libertie, upoun ordinance of the Lordis of Counsale and Sessioun that he sould have grantit his offence to the said Richart in the place quhair it wes done, and that his said fader sould have bene souirtie for him, under the pane of twa thowsand pundis, that he sould commit na wrang aganis the said Richart thaireftir, his fader being present befoir the saidis Lordis, and accepting the said ordinance at the making thairof." Nevertheless, there had been no obedience to the ordinance, the said Williame departing with his father, who had made promise; "and sensyne, upoun the xxiiii day of the said moneth of Februar, the said Williame and his complices, to the nowmer of ten or twelf personis, bodin in feir of weir, come furth of his said faderis place of Dalhoussy to the said Richardis pleuch gangand upoun his saidis landis of Poltoun, and thair they hochit and slew the aucht oxin gangand in his pleuch, and cruellie struik and dang his twa plowmen gangand thairat, and schorit thame with present slauchter." All which coming to the knowledge of the provost and bailies of Edinburgh, they, resenting the injury and insult done to one of themselves, "officiaris and magistratis of the said burgh, quhair the College of Justice makis residence," and considering also "that the said Williame, and his said fader, had not found the souirtie foirsaid as wes ordanit," had complained to the Lords of Session, and "obtenit letters chairging the said Lard and his sone to compeir befoir the saidis Lordis, and find the said cautioun, or schaw ane caus quhy." Then had come the worst. The magistrates had sent the said

Page 165.

Acta 1577-79. letters to be put in execution by Andro Lindesay, messenger; "quha, with his witnessis, having first usit the same upoun the said auld Lard of Dalhoussy personalie," was returning from his place, when "the said Williame, his sone, having intelligence of befoir, hath convenit, at his faderis command, the haill inhabitantis of the toun of Dalhoussy and Keringtoun, and followit the said Andro, officiar foirsaid, and his witnessis, to the saidis landis of Poltoun, quhair thay maist cruellie invadit him of his life, and had slane him gif sum of the said Williames awin cumpany had not savit him, and als then cruellie and schamefullie slew umquhile Johnne Levingstoun, ane of the saidis witnessis, and hurt and woundit the said Thomas Jowsie, the uther of the saidis witnessis, be schot throw the bane of his thie (quha lyis in point of death, and na uther thing belevit be men of jugement bot present deid to him); and then, perseverand in this present mischeif and disordour, past to the said Richardis pleuch, quhair it was yokit agane eftir the slauchter of the aucht oxin the day befoir, and then hochit and slew four horse and meiris and sex oxin in the pleucht, and on the ground schot his wyfe throw hir cleithing with pistollettis, and his twa servandis in thair bodyis, to the greit effusioun of thair blude, in perrell of thair lyvis; and, as he is informit, the said Williame Menzeis, ane of thame, is deid of the saidis hurtis sensyne." These outrages had laid waste the said Abircrumby's lands, "the same lyand in a cuntrie quhilk sould be peciabill, sa neir the seat of justice, and sould rather gif exampill to the far Hielandis and Bordouris, quhair sic forme of conqueist is usit, nor to bring that kynd of ewill tred in practize in the inland, in contempt of God and of his Majestie," and in "perralous preparative to have his Majesteis armes sa schamefullie abused, and his auctoritie royall further contempnit and callit in dout, quhen the officiaris and executouris of his Hienes letters, representand his persoun and beirand his Hienes armes, ar sa unworthelie abusit and thair witnessis
Page 166. thus slane and murtherit." Even now the oppression has not ceased; "bot the saidis personis hes sensyne slayne sum of the said Richardis guidis, and hes mannassit his wyfe and servand utterlie to leve and remove af the ground of the saidis landis, or utherwayis schoiring to birne his houssis and cornis, as they have alreddy hochit and slayne his guidis and servandis and the witnessis that assistit his Hienes officiar." Moreover, "the said Richard can have na present redres of the greit wrangis, nor na assurit stay frome further trubill, be the ordinar way of law and justice," inasmuch as the said Laird of Dalhoussy, "quha is the authour and houndar of thir mischeiffis to be done," pretends himself still "to be innocent thairof, althoch committit be his bairnis, kynnisfolkis, and servandis, passing furth of his house to the doing and resset thairin sensyne," and inasmuch also as the calling of the said Laird and his accomplices to underlie the law would "bot mak a greit convocatioun, and procure a continewatioun, with greit expenssis and na satisfactioun to the said Richard, as in sindrie the like caussis hes appeirit thir twelf monethis bipast." Accordingly, the complaint has been to the King and

Council.—And now, parties being called, and "the said Richart Abircrumby, and , relict of the said umquhile Johnne Levingstoun, compeirand personalie, and the saidis George Ramsay of Dalhoussy, Johnne Ramsay, his sone and appeirand air, and James Ramsay, appeirand of Cletty, alsua his sone, being alsua personalie present, with Maister Johnne Frude, thair prelocutour, and the saidis Williame Ramsay, lykwayis sone to the said George, Johnne Gibsoun, Johnne Diksoun, and Williame Borthuik of Colilaw, being oftymes callit and not compeirand," there is a double decision, as follows:—(1) "Ordanis letters to be direct to officiaris of armes, shereffis in that part, charging thame to pas and denunce the saidis Williame Ramsay, Johnne Gibsoun, Johnne Diksoun, and Williame Borthuik, our Soverane Lordis rebellis, and put thame to the horne, and to escheit, etc., and remittis all the pointis of the saidis letters to be persewit, civilie and criminalie, befoir the juges ordinar as accordis;" (2) "And, attour, ordanis the said George Ramsay of Dalhoussy to find sufficient cautioun and souirtie actit in the buikis of Secreit Counsale that Richart Abircrumby salbe harmeles and scaithles of the said Lard, and all that he may let, baith in body and geir, and that he sall not assist, fortifie, nor resset, supplie, mantane, or defend be ony maner of way, the said Williame Ramsay, Johnne Gibsoun, Johnne Diksoun, and Williame Borthuik, nor nane of thair complices, committeris of the crymes abonewrittin, in tyme cuming, under the pane of twa thowsand pundis." Acta 1577–79. Page 167.

Protest by Abercromby.

Protest by Richart Abircrumby that he expects that sufficient surety will be taken of the Laird of Dalhoussy "that quhatsumevir dampnage the said Richart sould sustene heireftir the samin mycht be accomptit of his causing," and also "that na thing proceidit or to be proceidit upoun in the said mater at this tyme sould onywayis prejudge the ordinance maid be the Lordis of Counsale and Sessioun."

Dalhousie asks instruments.

At the same time the Laird of Dalhoussy "askit instrumentis upoun the compeirance personalie of himself and his twa sonis."

Sederunt—Domini ut in die predicto.

Stirling Castle, 16th March.

Act exonerating the Earl of Mar and his family for their careful attendance on the King hitherto at Stirling, with arrangements for future attendance on him in his excursions.

"Anent the supplicatioun presentit to our Soverane Lord and his Thre Estaittis presentlie convenit be Johnne, Erll of Mar, lord Erskin, etc., makand mentioun that, quhair his Hienes hes remanit within this his Majesteis Castell of Striviling almaist continewalie sen his birth, under the nuriture of umquhile Johnne, Erll of Mar, lord Erskin, sumtyme Regent to our Soverane Lord, his realme and liegis, fader to the said Johnne, now Erll of Mar, Annabell, Countes of Mar, his moder, Alexander Erskin of Gogar, Maister of Mar, his uncle; lyke as, sen his Hienes acceptit the governament of his realme in his awin persoun, for the maist part the said Johnne, Erll of Mar, hes had the charge of attendence upoun

Acta 1577–79. his Majestie and keiping of the said castell, quhairin the said Erllis guidwill hes bene and is faithfullie to serve his Majestie (as God knawis)
Page 168. to his Hienes weill and honour, and to the contentment of his nobilitie and haill subjectis; alwayis seing his Majestie dalie growand (at Godis plesour) to the gretar perfectioun of aig, and his hous and tryne augmentand, sa that his continewall residence in the said castell nor na uther place can be langer nor his Hienes, with avise of his resident Counsale for the tyme, sall think it meit and convenient for his Majestie: Maist humilie thairfoir requiring his Hienes, with avise of his Nobilitie and Estaittis presentlie convenit, be Act to grant and gif unto the said Erll of Mar ane declaratioun and testimony of the bipast gude service of his said umquhile fader, the Countesse of Mar his moder, his uncle, himself, and thair freindis and servandis, that hes assistit thame in thair charge and service, with provisioun that, quhen evir it salbe the will and plesour of his Hienes to remove furth of this his Castell of Striviling to ony uther part or place for schort or lang space, as to his Hienes and his Counsale sall seme expedient, the said Erll of Mar and his souirteis may stand now as then and then as now exonerit and frelie dischairgit of the bandis and obligationis maid be his said umquhile fader, his uncle, and himself for attendence upoun his Hienes persoun and keiping of the said Castell of Striviling, in respect of his Hienes residence thairin, and ane Act of Counsale or Parliament to be extendit thairupoun in dew and ample forme, as a signne and taikin of his Majesteis favour, and in part of recompance of that faithfull guidwill and trew service that his foirbearis and himself hes maid unto his Majestie and his progenitouris in tyme bigane, as the said Erll intendis alwayis to continew, with Godis grace, in the lyke fidelitie and trew service to his Majestie in tyme cuming: lyke as at mair lenth is contentit in the said supplicatioun.—Quhilk being red in presens of his Hienes and his saidis thre Estaittis presentlie convenit, and his Majestie and they being weill avisit thairwith, and with the act and obligatioun maid be the said Erll of Mar and the nobilmen his souirteis tuicheing the attendence upon his Hienes persoun and keiping of his said Castell of Striviling quhair the same remanis, togidder with the Act of Parliament ratifiand and apprevand the same: Eftir mature deliberatioun, oure said Soverane Lord and his saidis Estaittis presentlie convenit, all in ane voce, without discrepance or contradictioun, findis, declairis, affermes, and testifeis, that the said umquhile Johnne, Erll of Mar, sumtyme Regent to his Majestie, his realme and liegis, the said Johnne, Erll of Mar, his sone and air, Annabill, Countesse of Mar, his moder, Alexander Erskin of Gogar, Maister of Mar, and the freindis, servandis, and dependaris on the said Erll of Mar assisting his said umquhile fader, his moder, his sone, and himself, in performing of the charge of the preservatioun of his Majesteis persoun and Castell of Striviling, into the quhilk his Hienes residence hes bene unto this present tyme, hes done his Majestie trew, thankfull, worthie, and gude service, and dewlie accomplischit thair said charge sen the acceptatioun thairof, conforme to the instructionis, actis of

Secreit Counsale and of Parliament past thairanent of befoir; quhilkis his Hienes, his Nobilitie and Estaittis presentlie convenit, allowis and approvis, promissing to ratifie and conferme the same in the nixt Parliament: And, as concerning the attendence upoun his Hienes persoun in tyme cuming, thinkis convenient and ordanis the same to remane yit still at his Castell of Striviling, the said Erll of Mar and his souirteis fund be him standing bund and obleist as afoir for keiping of the Castell of Striviling in name and to the use and behuif of our Soverane Lord, and attendence upoun his Hienes persoun and preservatioun of the same within his said Castle, at the divotioun and directioun of his Hienes and his said Counsale sa lang as it sall pleis his Hienes to remane and abyde thairat, with sic ordour and conditionis as ar contenit in the act and obligatioun maid thairanent, off the dait the thrid day of Maii last bipast: Providing alwayis that, howsone, quhenevir, and howoft it sall pleis our said Soverane Lord to pas furth of his said Castell for his recreatioun and pastyme, in that caise, then as now, and now as then, the said Erll of Mar, for himself and as sone and air of his said umquhile fader, as alswa his saidis souirteis, standis and sall stand exonerit and frelie dischairgit of the bandis and obligationis maid be his said umquhile fader, his uncle, and himself, or thair freindis, for attendence upoun his Hienes persoun and keiping of his said Castell of Striviling, in respect of his Hienes residence thairin, and of all actioun, suit, or clame that may be intentit aganis him or thame for ressaving, accepting, and using of the said charge be command of our Soverane Lord, his moder, or ony of his Regentis in tyme bigane. And, quhen it sall pleis his Hienes to repair furth of the same to his said recreatioun and pastyme, of intentioun to returne to his said Castell at nycht, he salbe accumpanyit with the nobilitie and utheris of his said resident Counsale, the said Erll of Mar, and his Majesteis awin houshald servandis; and, that his Hienes may be the bettir accumpanyit, he hes promeist to mak tymous and dew warning, at sic dayis and tymes as his plesour and lyking salbe to visite the feildis, to his said resident Counsale and the said Erll of Mar, that they may be in the bettir reddines to pas furth and accumpany him, on horse or fute as salbe thocht metest be his Hienes and his Counsale, respecting the seasoun, wether, and boundis quhairunto his Hienes intentioun is to resort at that tyme. And, quhenevir his Majestie sall tak purpois and find it requisite to repair further frome his said Castell of Striviling then that he may returne thairunto at nycht, then his Hienes hes promeist that he will gif warning and adverteisment to his saidis Estaittis, that they may convene with all guidlie diligence and deliberat tuiching the state and ordour of his Hienes convoy and residence, as may best serve to his Hienes honour, weill and suirtie, and to the lyking and contentment of the nobilitie and gude subjectis."[1]

Acta 1577-79. Page 169.

[1] The repeated phrase in this Act, "our Soverane Lord and his Thre Estaittis presentlie convenit," clearly shows that the large sederunt of the preceding day of sitting, continued in this, was in the guise of a Convention of Estates. The sederunt, however, shows only nobles and chiefs of the spiritual estate present, without either barons or commissioners of burghs. Doubtless the purpose of the Convention was to consolidate Morton's

Acta 1577-79. Page 170.

Sederunt—Joannes, Comes Atholie, Cancellarius; Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Laurentius, Dominus Oliphant; Henricus, Dominus Sinclair; Jacobus, Dominus Innermeyth; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Patricius, Dominus Drummond; Episcopus Glasguensis; Episcopus Dunkeldensis; Episcopus Brechinensis; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Cowpar; Commendatarius de Deir; Commendatarius de Sanct Colme; Clericus Registri; Clericus Justiciarie; Computorum Rotulator. Stirling Castle, 17th March.

Lord Claud Hamilton and the Abbacy of Paisley.

"Anent the supplicatioun gevin in to our Soverane Lord, his Estaittis and Lordis of Secreit Counsale presentlie convenit, be Maisteris David Borthuik of Lochhill and Robert Creychtoun of Eliok, his Majesteis advocattis, makand mentioun, that quhair, ane actioun being laitlie persewit be thame, in his Hienes name and Niniane Stewart, his Majesteis donatour to the superplus and omittit fruittis of the Abbay of Paslay, anentis the same superplus and omittit thriddis, the questioun of the dout wes referrit to be ressonit and tak decisioun befoir his Majestie and his Estaittis, other in Parliament or at Conventioun, as the Clerk of Register and utheris Lordis of his Hienes sessioun can testifie; and, eftir the report of the said Clerk of Register, the said mater being ressonit in presens of our said Soverane Lord and his Estaittis and Counsale presentlie convenit, Maister Robert Creychtoun of Eliok, his Hienes advocat, being present and craving the said decisioun: oure said Soverane Lord, with his Estaittis and Lordis of Secreit Counsale present, hes fund and declairit, lyke as his Hienes and his saidis Estaittis and Counsale be the tennour heirof findis and declairis, that his Majestie hes had and hes gude richt and actioun aganis Lord Claude Hammiltoun, Commendatar of Paislay, for the superplus and omittit thriddis, fruittis, and rentis quhatsumevir, not gevin up in the rentall of the said Abbay of Paslay, off all yeiris and termes bigane sen the said Claudis awin interes and possessioun to the fruittis of the same Abbay, and siclyke in tyme cuming, notwithstanding that the rentall thairof wes not gevin up be himself bot be his predicessouris; and thairfoir ordanis and advisis the Lordis of Counsale and Sessioun to proceid and do justice in the said principall mater depending befoir thame, according to this decisioun, advise, and interpretatioun. Quhairupoun the said Maister Robert Creychtoun, advocat to our Soverane Lord, askit instrumentis."[1]

government and give it a new start. The present Act, contemplating greater liberty of movement for the young King, bears out this idea; but there was more behind.

[1] In the sederunt and minute of this day we have a revelation at last, though not yet a full disclosure, of the main purpose of the Convention of nobles and prelates which had been sitting for five days in the Castle of Stirling. The sederunt consists of twenty-

Stirling Castle, 18th March.

Sederunt—Domini ut in die predicto. Acta 1577–79.

Several persons in Edinburgh and Dundee charged with refusing to supply wines for his Majesty's Household at the regulated prices.

Complaint by Sir Williame Murray of Tullibardin, Comptroller of the King's household, as follows:—He had "directit Jeremy Bowie, simleir, Page 171.

six persons, or three more than had been present five days ago (*ante*, p. 108). Six of the persons who had then been present, viz., the Earls of Eglinton and Mar, Lord Robert Stewart, the Archbishop of St Andrews (Patrick Adamson), the Abbot of Culross, and the Abbot of Balmerinoch, are now absent; but the Earls of Atholl and Montrose, with Lords Innermeath, Cathcart, and Drummond, the Bishop of Dunkeld (James Paton), the Abbot of Cupar, and the Abbot of St Colmé (James Stewart of Doune), and the Comptroller (Sir William Murray of Tullibardine), all of whom had been then absent, are now present: these making up the sederunt with the Earls of Morton, Angus, Argyle, and Rothes, Lords Ruthven, Boyd, Ochiltree, Herries, Sinclair, and Oliphant, the Archbishop of Glasgow (James Boyd), the Bishop of Brechin (Alexander Campbell), the Abbot of Dunfermline (Robert Pitcairn), the Abbot of Deer (Robert Keith), the Abbot of Cambuskenneth (Adam Erskine), the Clerk-Register, and the Justice-Clerk. The most remarkable thing in the sederunt, however, is the presence of the Earl of Atholl, presiding as Chancellor, and taking the first place, notwithstanding the order reserving that place always for the Earl of Morton (see vol. ii. p. 704). Although Argyle had for some time been back in the Council, co-operating with Morton, Atholl had hitherto kept himself aloof, meditating a policy of his own (*ante*, pp. 56 and 102, footnotes), and his reappearance now is significant. He had made up his mind to follow the example of Argyle, Montrose, Herries, and the other of his faction, in becoming reconciled to Morton, externally at least; and was now, after ten months of separation, sitting, as they were, in the same Convention with Morton and Angus, the chiefs of the Douglases. The minute of the single proceeding of the Convention this day indicates the policy that had been adopted by the new coalition of the Douglases and the Stewarts, with Argyle, Montrose, and the rest, and especially the Erskines of the House of Mar, concurring. It was to be *action against the Hamiltons*. In view of what has to follow on this subject in the Register, a little explanation is desirable here.—Since the death in 1575 of that James Hamilton, second Earl of Arran, and Duke of Chatelherault in France, who had been declared the second person in the realm on the accession of Queen Mary, and the nearest to the throne in succession to her if she should die without issue, and who had been Regent of Scotland in her name from 1542 to 1554, the heads of the great Hamilton family had been his four sons—James, third Earl of Arran, and Lords John, David, and Claud Hamilton. The first of these, who had been talked of as a husband both for Elizabeth of England and Mary, had been hopelessly insane for some time, and was living in retirement under the charge of his mother, the widowed Duchess of Chatelherault; so that the real representation of the family depended on his brothers, and especially on Lord John, who was in possession of the vast family estates, and was also Abbot or Commendator of Arbroath, and Lord Claud, who was Abbot or Commendator of Paisley. Both of these, with their father, and their relative the Earl of Huntly, had been active leaders in the civil war, and in all the movements and conspiracies, for Queen Mary through the Regencies of Moray, Lennox, and Mar (1567–1572), and had been forfaulted in consequence; but, by the great "Pacification of Perth," of February 3, 1573–4, by which Morton signalised the beginning of his Regency, and the contracting parties in which were expressly Morton's government, on the one hand, and Huntly, and Lord John Hamilton, for himself, his brother Claud, and the rest of the Hamiltons, on the other, full remission, with restoration of estates, &c., had been granted to the brothers. They were named first in the Pacification, along with Huntly, at the head of a long list of the condoned Queen's men. Since then they had been living in Scotland as private noblemen, peaceably enough on the whole, but thought of as persons who might again be dangerous, on account of their ambition, their wealth, and their hereditary family claims to the crown in certain contingencies. There were also particular incidents in their past career of activity for Queen Mary which were remembered by many, and especially by some of the Houses of Stewart, Douglas, and Mar, with a desire for revenge. And now it had been concluded to re-open proceedings against them and the Hamiltons generally; and the present order respecting Lord Claud Hamilton's rights in the rich Abbacy or Commendatorship of Paisley was the first step.

Acta 1577–79. with letters of commissioun for visiting, taisting, and uptaking of wynis to the furnissing of his Majesteis house upoun ressonabill prices, commanding the provestis and baillies of all burrowis and townis quhair wynis arrivis and remanis to concur, fortifie, and assist to the said Jeremy in executioun of the said commissioun, as they wald answer upoun thair charge and perrell; in quhilk commissioun power is gevin to mak oppin durris of lokfast houssis and lumes in quhatsumevir burrowis, and to serche all schippis in quhatsumevir heavynnis or harboreis, and use our Soverane Lordis keyis to that effect, for taisting, vesying, and uptaking of sa meikle wynis as necessarilie will sustene his Hienes hous in maner foirsaid upoun ressonabill prices." Although there had been due proclamation in Edinburgh, Dundee, and Leith, "nevirtheles, James Huchesoun, burges of the burgh of Edinburgh, and George Spens, burges of Dundie, refusit to oppin thair sellar durris to the said Jeremy," while certain other persons in Edinburgh and Dundee, "eftir he had sene, taistit, and markit sum of thair wynis to his Hienes use, wald not suffer him intromit thairwith, and transport the same without present payment or obligatioun to schort dayis for greter prices then wynis are commounlie sauld for within the saidis burrowis, puttand his Majestie thairby in war caise nor his subjectis; swa that his Hienes cannot be furneist of wynis this yeir nor in tyme cuming without tymous remeid be providit." The offenders in Edinburgh, in addition to the aforesaid Huchesoun, were "Williame Symsoun, Williame Patersoun, Johnne Moresoun, Johnne Jaksoun, James Ross, Johnne Fairlie, and sindrie utheris burgessis;" those in Dundee, in addition to the aforesaid Spens, were "James Flescheour, Peter Clahillis, Johnne Fynlaysoun, and Williame Henrie." But the Provosts and Bailies of both towns were also to blame. When applied to by Jeremy, they had answered that "they culd compell nane to deliver thair geir frome thame without assuirance for payment thairof."

Page 172. Accordingly, all parties in Edinburgh had been summoned; and now, "the said Sir Williame Murray compeirand personalie, and the saidis Archibald Stewart, provest, Robert Ker, Gilbert Dik, and Richart Abircrumby, baillies, Johnne Moresoun, younger, James Huchesoun, Williame Patersoun, Johnne Jaksoun, James Ross, and Williame Symsoun, burgessis of the said burgh of Edinburgh, being alsua personalie present," certain allegations are made in defence. The Provost and Bailies allege that "they, immediatlie eftir the arryvell of wynis within this realme this yeir, set and maid ane price upoun the same, eftir tryell and consideratioun alsua tane be thame how they war first bocht, and thaireftir proclamit the samin, conforme to the Act of Parliament maid be King James the Fift of worthy memorie, lyke as they, conforme to the command of the saidis letters, concurrit and assistit the said Jeremy in visiting, taisting, and marking of the saidis wynis, and maid oppin and patent durris to that effect." The owners of the wines, for their part, allege that "sa meikle of thair saidis wynis as wes markit be the said Jeremy wer yit extant and remaning in sellaris, reddy to be deliverit to the use and

service of our Soverane Lord." The Lords are not satisfied with these excuses, "understanding the samyn Act to be contravenit and not observit and keipit be the saidis provest and baillies, in sa far as, eftir the allegit prices maid be thame, a greit part of the saidis wynis wer sauld befoir our Soverane Lord and his nobilitie wes first staikit, expres contrair the tennour of the said Act, as alsua that the command of the saidis letters wes not obeyit, in that concurrence wes not gevin be the saidis provest and baillies in the uptaking and delivery of the saidis wynis to the said Jeremy." They note also "the corruptioun and abuse that now is croppin in throw libertie gevin to a greit multitude without comptrolling to sell and mak prices of wynis at thair plesour." On the whole, "albeit his Majestie hes just caus to use puneisment conforme to the saidis Actis," yet he and the Council, willing to be lenient, "hes, eftir mature advise, deliberatioun, and consideratioun taikin how wynis ar presentlie sauld, thocht gude, concludit and ordanit that his Majestie and his nobilitie salbe answerit of wynis for this yeir upoun the prices following: that is to say, the price of the tun of Burdeaux wyne for fiftie pundis, and the price of Hottopyis bind for fourtie sex pundis money of this realme; and ordanis and commandis the provest and baillies of Edinburgh and utheris burrowis of this realme to concur, fortifie, and assist our Soverane Lordis symleir in vysiting, taisting, and uptaking of the saidis wynis upoun the prices foirsaidis, to be payit be his Majesteis Comptroller upoun the delivery and ressait of the said symleiris tiket of the quantitie taikin up be him." Acta 1577–79. Page 173.

Stirling Castle, 19th March. Caution by Garden of that Ilk and Garden of Boith.

Caution by Master David Gardin of that Ilk and Master Gilbert Gardin of Boith, the first under pain of £1000, and the second under the pain of 500 merks, that neither they nor theirs shall molest Alexander Guthrie of that Ilk, or his men or tenants.

Caution by the same Gardens for three others.

Caution by the same two Gardins for Andro Hereyeild in Breichin, Robert Gardin in Lathin, and Alexander Gardin of Freok, to the same effect, each of them under pain of 500 merks.

Stirling Castle, 21st March.

Sederunt—Joannes, Comes Atholie, Cancellarius; Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Jacobus, Dominus Innermeith; Episcopus Brechinensis; Episcopus Abirdonensis; Commendatarius de Dumfermling; Commendatarius de Deir; Commendatarius de Cambuskynneth.[1]

Complaint by Sir Johnne Stewart of Troquhair, knight, as follows:—He

[1] Still evidently a professed Convention, rather than a meeting of Council. The Bishop of Aberdeen (David Cunningham) had not been in either of the two previously recorded sederunts of the Convention (*ante*, p. 108 and p. 115).

Acta 1577–79. Page 174. is sued before the Lords of Council and Session by David Preston of Craigmillar and his curators in the matter of an obligation "upoun the payment of twa thowsand pundis money of this realme, borrowit be the King and Quene, his Hienes darrest fader and moder, fra umquhile Robert Lawder of Bass." At the time of this loan they "deliverit thair obligatioun, in the word of Princes, for thame, thair airis and successouris, and fand umquhile Sir Symon Prestoun of that Ilk, fader to this present Lard of Craigmillar, and umquhile Alexander Hammiltoun of Innerwik, cautioneris, as alsua umquhile George, Erll of Huntlie, and the Lard of Troquhair to releif thame." As "the burding of the payment of the haill sowme" had been laid upon the Laird of Troquhair, he had "menit him laitlie unto his Majestie and the saidis Lordis of Secreit Counsale of his hard estait and conditioun, that come only cautioun for the said releif at the desyir of his Hienes derrest fader and moder, upoun thair faithfull promeis and obligatioun in the word of Princes, subscrivit with thair handis and under thair signet," to keep him safe; "quhilk burding the said Lard of Troquhair culd not resist nor refuise, being thair subject and domestik servand for the tyme, and of thair name." He had represented that "be the law, and in honour and conscience, his Hienes is and aucht to be his releif and warrand, and can not suffer him to be sa far wrakit and hurt for his guid-will and effectioun to do his Majesteis darrest fader and moder, then being in auctoritie, service, for the exampill and terrour that it may gif to utheris to underly and performe the like charge and commandiment of his Hienes, in cais he may happen to have the lyke occasioun." The result had been that, after summons before his Highness and Council of "the said Lard of Craigmillar and Elizabeth Hay, Lady Bass, relict and executrix of the said umquhile Robert," a precept had been directed to the King's Treasurer, Lord Ruthven, ordering him to "answer, deliver, and mak thankfull payment to the executouris of the said umquhile Lard of Bass of the said sowme of twa thowsand pundis of the first and reddyest proffeitis of his Hienes casualiteis for the said Lard of Troquhairis releif." Nevertheless, as "the said Thesaurar will not ressave the said precept and mak payment of the sowme contenit thairin," the Laird of Troquhair "wilbe still trublit be proces of law at the said Lard of Craigmillaris instance, without remeid be providit." Accordingly, parties being now called, "and the said Sir Johnne Stewart of Troquhair compeirand be William Stewart, his broder and procuratour, and the said Williame, Lord Ruthven, compeirand personalie," the decision is in these words: "Decernis and ordanis the said Williame, Lord Ruthven, to ressave the precept foirsaid, and to mak payment of the sowme contenit thairin, according to the directioun thairof, as ye will answer to our Soverane Lord upoun the contrary."

Sir John Stewart of Traquhair relieved from a money obligation for the King's father and mother.

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Complaint by Master John Douglas, ex-chamberlain of the Priory of Whithern, as follows:—He is sued before the King and Council by Margaret Stewart, relict of the late Andro, Master of Uchiltrie, "allegeand

John Douglas, ex-chamberlain of the Priory of Whitherne, and a disputed right to the Castle of Crugilton.

hir to have richt to the ten merkland of Crugiltoun, with the castell, tour, fortalice, yairdis, orcheardis, and pertinentis of the samyn, be richt maid to her said umquhile spous and hir thairof." She demands the delivery of the same to her keeping, in conformity with previous order of the Privy Council [see *ante*, p. 89]; which demand he "wald willinglie obey, sen the said priorie and fruittis thairof is decernit to appertene to Robert, Commendatar of the same, as is notourlie knawin to his Hienes and the saidis Lordis, and he [Douglas] thairby deprivit of his chalmerlanrie thairof." But so it is that "the said Commendatar, now challangeing the fruittis of the said priorie, castell, tour, and fortalice foirsaid to appertene to him, not onlie be vertew of this provisioun approved valiabill and sufficient, bot alsua be tak and assedatioun maid to him thairof be the said umquhile Maister of Uchiltrie, immediatlie eftir the obtening of the few of the samyn," has obtained letters by deliverance of the Lords of Session, charging Douglas, under pain of rebellion and horning, "to rander, gif, and deliver the said castell, tour, and fortilice, to the said Commendatar and his chalmerlanis within ane certane space." Thus caught between two conflicting orders, "the said Maister Johnne is havilie vexit and trublit, not knawand quhais richt is best, nor to quhilk of the saidis partiis he sall aggrie, albeit he is maist willing thairto gif he knew quhilk of the saidis partiis hes maist richt heirin."—Parties have been summoned, "bringand with thame all thair letters, rychtis, giftis, and titillis;" and now, "the said Maister Johnne Dowglas compeirand personalie, and the said Robert, Commendatar of Quhitherne, being alsua personalie present, and the said Margaret Stewart compeirand be Maister Johnne Skene, hir procuratour," and the Lords having considered their allegations, "togidder with ane letter of tak maid to the said Commendatar of the said place and fortilice, with the decreit gevin be the Lordis of Secreit Counsale for randering of the same place to the said Marget Stewart," the decision is: "Decernis and ordanis the said decreit gevin in favouris of the said Margaret Stewart to be put to executioun in all pointis."

Acta 1577–79.

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Stirling Castle, 25th March 1579.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Dominus Robertus Stewart; Commendatarius de Dumfermling; Commendatarius de Deir; Commendatarius de Cambuskynneth; Computorum Rotulator.[1]

Caution for Wallace of Craigie.

New caution by Hew Wallace of Carnell for the good behaviour of Johnne Wallace of Craigie, under the pain of £10,000, the said Johnne Wallace binding himself and his heirs, to "releif the said Hew of the premissis and of all pane and danger that he sal happin to sustene thairthrow." Accordingly, the former caution of Hew Wallace for the said Johnne Wal-

[1] The Convention has now dwindled into an ordinary Council-meeting, save that Lord Robert Stewart and the Commendator of Deer remain.

Acta 1577–79. lace [*ante*, p. 59] is discharged. To this entry there is the following marginal note: "Deleit be warrand and command in writt of the Lordis of Secreit Counsale of the dait the tenth day of August 1579."

Caution for Hamilton of Sanquhar.

Page 177. Similar caution, in £10,000, by Johnne Dumbar of Barmure, and Johnne Spottiswod of Fowlar, for Williame Hammiltoun of Sanquhar; with discharge of the former caution for him by the same Dumbar and Hammiltoun of Portmollane [*ante*, p. 61]. One of the parties subscribes thus: "Johnne Spottiswod of Fowlar, with my hand at the pen led be Johnne Andro at my command, becaus I can not write." There is the same marginal note to this entry as to the preceding.

Regulations for collecting the general Tax for repairing the Bridge over the Tay at Perth.

Citation of an Act of the King and Estates in the last Parliament, imposing a general Tax of Ten Thousand merks on all the lieges, for the repair of the Bridge over the Tay at Perth [see Act itself, of date July 25, 1578, in Acts of the Parliament of Scotland, vol. iii. p. 108]. The Act had been passed from an understanding that "the brig of Tay foranent the burgh of Perth wes decayit," and that, though "the provest, baillies, and communitie thairof had alreddy debursit for help and support thairof nocht onlie thair common gude, bot sindrie greit taxationis and contributionis voluntarilie rasit amangis thame selffis for beitting and repairing thairof," yet "the same wes not abill to serve the turne." The Act had given power to the Lords of the Privy Council to take "gude ordour" how the sum voted should be paid, and to "mak divisioun of the realme, and taxt rollis for ingetting thairof." Accordingly, the Lords, "considdering the tyme now to be verray propir and convenient for taking of the said ordour, and that, gif langer delay be usit thairin, it salbe meikle mair difficill and coistlie heireftir," ordain "the said taxatioun to be inbrocht and upliftit betuix and the first day of Junii nixt to cum of all the liegis of this realme in maner following: that is to say, twa thowsand four hundreth twentie four pundis, iiii ß. x đ., be the Spirituall Estait; twa thowsand four hundreth twentie four pundis, iiii ß. x đ., be the Baronis and Frehaldaris; ane thowsand twa hundreth tuelff pundis, ii ß. v đ. be the Burrowis, and sex hundreth sex pundis, xvi đ. in compleit payment of the said taxatioun be the fewaris, tennentis, and
Page 178. occupyaris of our Soverane Lordis propirtie." The regulations for the collection of these sums from the four estates or bodies of persons severally concerned are those already known in such cases, but are again repeated in detail, and all but verbatim, from former orders of Council of a similar kind [*e.g.*, the Order of 28th October 1575 for collecting of a stent of £4000, for repressing the Border thieves, see vol. ii. pp. 467–469, and the subsequent order for collecting a tax of £12,000 for the same purpose, *ante*, p. 46]. The collector-General, as on the last occasion, is the King's Treasurer, Lord Ruthven. The only important variation of the wording occurs in the regulation for the "Baronis and Frehaldaris part." The beginning of that regulation runs thus: "That

thair be upliftit of everie pundland of auld extent within this realme twa schillings, sex pennyis, defalkand and allowand sa meikle of the said sowme to the inhabitantis of the sherefdome of Air, baith to burgh and to land, as they have payit and sould pay to the beating of the brig of Irvin, according to the rait of the taxatioun of the said sherifdome of Air, swa that they pay onlie the superplus;" after which the customary form is resumed. Acta 1577-79. Page 179.

Stirling Castle, 27th March.

Sederunt—REX.; Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth.

Andrew Wood, younger, of Largo, and the wardship of Swinton.

This day "Andro Wod, youngar, of Largo, renuncit simpliciter the gift maid to him, his airis and assignais, of the ward landis of Swintoun, and mariage of the air or airis thairof, to the effect the samin may be newlie disponit be our Soverane Lord, and componit for be his Hienes thesaurar to the utter awaill as effeiris."

James Nisbet, burgess of Edinburgh, against Cunningham of Drumquhassill, chamberlain of Lennox, for an old debt of Regent Lennox.

Complaint of James Neisbet, burgess of Edinburgh, as follows:—"Umquhile his Majesteis darrest guidsire, Matho, Erll of Lennox, regent to his Hienes, his realme and liegis, for the tyme, of gude memorie, restit awand umquhile Hew Neisbet, burges of Edinburgh, the said James Neisbettis freind, the sowme of five hundreth pundis money of this realme, for marchandice liftit and tane up be Laurence Neisbet, his servand, to his use and behuif, oblissand him, his airis, executouris, and assignais, to pay the same betuix and the feist of Michaelmes following the dait of the said obligatioun; quhilk is of the dait at Houstoun the xiii day of Aprile, the yeir of God $j^{m}v^{c}$ thre scoir sex yeiris." To this obligation the complainant has an undoubted right; and "seing he hes na uther quhom he may crave or luik for payment of the said sowme bot of his Hienes, as the onlie air and successour to his Hienes said guidsire, and that his Hienes hes alreddy taikin ordour and gevin directioun for payment of the like det of his said guidsire to Maister Johnne Prestoun, burges of Edinburgh, upoun the dewiteis and rentis of the erldome of Lennox, resting in the handis of Johnne Cunninghame of Drumquhassill, chalmerlane and intromettour thairwith," he had obtained a precept of his Highness, directing the said Cunninghame to pay him the said sum of £500 "off the reddiest of the rentis and proffeittis of the said Erldome restand awand in his handis." Nevertheless, "althoch the said James hes diverse tymes suittit payment of the said sowme fra the said Lard according to the said precept, yit he will on na wayis pay the same, bot sayis planelie that he hes nane of the Erll of Lennox leving in his handis, bot hes maid compt and payment of the haill that wes restand in his handis, and thairfoir he aucht not, nor will not, pay the same, bot Page 180.

Acta 1577–79. biddis the said James seik pament sum uther way, to his uther wrak and heirschip, that being the haill thing quhairwith he sould sustene himself, his wyfe, and bairnis, quha for falt of the samyn ar abill to pereis without remeid be providit."—Cunninghame of Drumquhassill had, accordingly, been summoned to answer; and now, "the said James Neisbet compeirand personalie, and the said Johnne Cunninghame of Drumquhassill compeirand be Williame Cunninghame, his sone and procuratour," it is pleaded by the latter that he ought not to be called on
Page 181. to pay the £500, "becaus he is content to mak compt and rekning of his intromissioun with the said erldome and leving of Lennox to ony havand power to ressave and gif him discharge thairof; in the quhilk compt gif thair beis ony rest fund in his hand, he is content to deliver the samyn to the auditouris foirsaidis, and, gif thair be na rest, the office of chamerlanerie aucht not to be chargeabill to him attour his intromissioun and diligence; and, thairfoir, quhill the said compt be hard thair aucht na chargis to be direct aganis him for the said dett." The Lords having considered the case, sustain this plea; appoint the following persons to be auditors, with full powers, viz. "Robert, Erll of Lennox, Lord Dernelie, Williame, Lord Ruthven, thesaurar, Robert, Commendatar of Dumfermling, secretar, George, Bischoip of Murray, Sir Williame Murray of Tullybardin, knycht, comptrollar, and Robert Colvile of Cleische, or ony four of thame conjunctlie;" and "ordainis the said Johnne Cunninghame to compeir personalie befoir the saidis auditouris within the toun of Striviling upoun the xxiiii day of Aprile nixt to cum, and mak the saidis comptis as saidis, with certificatioun to him, and he failyie, the saidis Lordis will direct utheris letters charging him simpliciter to mak payment to the said James Neisbet of the sowme abonewrittin, conforme to the said precept."

Andrew Buk of Aberdeen, and Andrew Williamson, of Leith.

Complaint of Andro Buk, burgess of Abirdene, as follows:—"In the moneth of , the yeir of God j^{m}v^{c}lxx yeiris, he laidnit ane schip pertening to Andro Williamesoun, indwellar of Leith, with certane victuall, to pas to the partis of France; and, being in the Watter of Forth, awaittand upoun wind and wodder, hoipand to have ressavit na impediment, in respect of ane licence grantit to the said compliner for transporting of the said victuall, notwithstanding the said schip wes arreistit, his haill victuall intromettit with be the Thesaurar, and disponit upoun to his Hienes use, and that for the said complineris allegit assistence to certane dissobeydient personis to his Hienes and his auctoritie for the tyme, albeit na sic assistence wes gevin be him, nather wes thair ony declaratour gevin aganis him thairupoun." After this seizure of the ship and cargo by the Govern-
Page 182. ment, "the said Andro Williamesoun, clamyng the fraucht of the said schip as gif scho hed departit to the partis foirsaidis, callit and persewit the said compliner befoir the Admirall-depute of this realme, not onlie for the said fraucht, bot als for coistis, scaithis, and dampnage, sustenit be him be his remaning, albeit be na law can the said compliner be obleist

or astrictit thairto, seing the said vayaige wes not accomplischit, and that the occasioun of his stay and remaning wes not in the said complineris defalt." If the cargo had been lawfully seized by Government on account of the complainer's "allegit assistence gevin to certane his Hienes dissobeydient subjectis in the north partis of this realme," then "sa mon the said Androis doing be alsua estemit unlauchfull, for traffiqueand and havand intelligence with the said compliner and utheris dissobeydient subjectis foirsaidis, and in that respect baith alyke [are] giltie of the said allegit cryme, and swa far les can he have place to persew the said compliner for the said fraucht." The matter had been under the cognisance of the late Regent and the Council. On the complainer's supplication to them, he had "obtenit thair discharge to the said Admirall-depute to proceed thairin, bot to remit the samin to the said lait Regent and Lordis of Secreit Counsale;" and, when the said Andro Williamesoun "be sum moyne purchest new command to the said Admirall-depute thaireftir to proceid in the said actioun notwithstanding the formar discharge," the complainer had obtained further order discharging that new command, and requiring Williamesoun "to compeir personalie befoir the said lait Regent and Lordis foirsaidis at ane certane day of lang tyme bipast." But, "be ressoun of the said lait Regentis passing furth of Halieruidhous to Dalkeith immediatlie eftir the said charge, thair wes na thing done in the said mater, bot the samyn sleipit continewally, quhill of lait that the said Andro Williamesoun hes callit and persewit the said compliner befoir the provest and baillies of the burgh of Edinburgh, albeit they can be na judges competent thairto, alsweill in respect of the nature of the actioun as of the foirsaid discharge gevin to the said Admirall in maner abone-writtin. And yit the saidis provest and baillies will not faill to proceid thairin, to the said complineris greit hurt, without his Hienes and the Lordis of Secreit Counsale provide remeid."—Due summons had accordingly gone out to Williamesoun; and now, both parties appearing personally, the matter is arranged amicably. "The Lordis of Secreit Counsale ordanis, with consent of the said Andro Williamesoun, the saidis provest and baillies of Edinburgh to desist and ceis fra all proceiding aganis the said Andro Buk at the instance of the said Andro Williamesoun for the caus foirsaid in tyme cuming." They also direct the deletion and annulling of all "souirteis fund be the said Andro Buk in the buikis of the burgh of Edinburgh to be answerabill at the instance of the said Andro Williamesoun."

Acta 1577–79.

Page 183.

Stirling Castle, 28th March.

Sederunt—Domini ut in die predicto.

Bishop of the Isles against many of the Clan M°Clean, and others.

Complaint of John, Bishop of the Isles, as follows:—Although he is lawful Bishop of the Isles, "be his Hienes favour and the ordour ressavit in the reformit Kirk of Scotland," and has been in possession of the bishopric, uplifting "the maillis and dewiteis of the samyn, be the space of diverse and sundrie yeiris," yet Johnne Dow M°Clayne, bailie of the Morvarne, Murdo M°Clayne of Lochboy, Johnne M°Clayne, Allane M°Clayne,

Acta 1577-79. Ewin M°Clayne, and Maister Lauchlane M°Clane, his sons, Gillerenane M°Neill of Barray, Rorie Oig, his son and heir, , his son, and Gillerenane, his brother, Lauchlane M°Clayne and Torloch M°Clayne, sons to Donald Murynauch M°Clayne, Hector M°Clayne and Torloch M°Clayne, sons to Donald Crowdirnauch M°Clayne, Donald M°Clayne, Lauchlane Cam, his brother, Neill M°Ane V°Neill, Donald Barrach M°Achin, Hectour M°Ewin V°Donald Dow, captain of Carnbulk, Johnne Rogach, his brother, Donald Goddach, his brother, Lauchlane M°Ane Dow, M°Naell of Ballenyntyne, Gillecallum M°Lauchlane Fyn, and his brother Terloch M°Achin Row Our Roy M°Achin, Fynnoun M°Kynnoun of Strathowardill, Lauchlane Oig, his son and apparent heir, Angus M°Connell of Dunnaveg, Rannald, Donald Gorme, and Coll, his brothers, Rannald M°Choill, and Johnne M°Kane of the Randy, with their accomplices, "not onlie hes maid stop, trubill, and impediment to the said Bischope, in uptaking of the maillis, fermes, teindis, proffettis, emolu-
Page 184. mentis, and dewiteis of the said bischoprik thir diverse yeiris bygane, and in a maner dispossest him thairfra, quhairthrow he gettis littill or na commoditie of the samyn, bot als hes stoppit, and still stoppis and makis impediment to him and his servandis to travell in the cuntrie for doing of thair lefull besines and executing of his office, swa that they, nor utheris our Soverane Lordis trew liegis, sic as merchandis, schipmen, and fischearis, dar not resort to the saidis ylis for feir of thair lyvis and spuilyeing of thair guidis, without his Hienes and the Lordis of Secreit Counsale provide sum remeid."—Charge in the usual form had gone out to "the saidis Murdo M°Clayne of Lochboy, Johnne M°Clayne, his sone and appeirand air, and Johnne M°Kane of the Rande," summoning them to appear and answer under pain of rebellion and horning; and now, "the said Johnne, Bischope of the Ylis, compeirand be Niniane Stewart, his procuratour, and the saidis Murdo M°Clayne, Johnne M°Clayne, his sone, and Johnne M°Kane of the Rande, being oftyme callit and not compeirand," letters of rebellion and horning are to go forth.

Sederunt—Domini ut in die predicto. Stirling Castle, 1st April.

Complaint by James Gray, son to Patrik, Lord Gray, and husband to Dame Elizabeth Betoun, lady of Innermeith, as follows:—"Johnne Stewart, broder germane to James, Lord Innermeith, Andro Gray of Dunnynad, and thair complices, off thair causing, command, assistence, and ratihabitioun, hes laitlie, in the moneth of Marche last bipast, taikin the castell, hous, and fortilice of the Reidcastell in Angus, pertening to the said Elizabeth, spous to the said James Gray, in conjunct fie or lifrent, and sa the use and possessioun thairof belanging to him as hir head and husband during hir life. Nevirtheles, the saidis personis fortifiis, detenis and withaldis the said castell, hous, and fortilice, as ane hous of weir, with gunnis and uther weirlyke munitioun, and will not remove furth of the same nor suffer the said James to have entres and commandiment thairin, James Gray, son of Lord Gray, against John Stewart, brother of Lord Innermeath, and others.

in contempt of our Soverane Lordis auctoritie and lawis, and to the said James greit hurt and prejudice."—In the usual form charge had been "gevin to the said Johnne Stewart, Andro Gray of Dunnynad, principallis contenit in the saidis letters, Robert Guthrie of Ovir Dysert, James Fyffe, James Dun, James Makky, Robert Rodger, Alexander Spalding, Andro Langlandis, Johnne Langlandis, Thomas Croyll, George Crawmond, as complices," requiring them to render the said castle, etc., within three days, under pain of rebellion and horning, or else to appear within six days to show cause to the contrary; and now, the case being called, the said James Gray appears personally, "as alsua Williame Ruthven of Ballindane, quha producit ane copy of the saidis letters allegeing *him* to be chairgit thairby as ane of the saidis complices." Gray, however, having passed from all pursuit of this William Ruthven—"quhairupoun the said Williame askit instrumentis"—the decision has to concern the other parties. Of these "the saidis Andro Gray of Dunnynaid and Robert Guthrie, compeirand baith personalie, denyit the taking, halding, or fortifeing of the said castell, tour, and fortilice;" but "the remanent personis abonewrittin, being oftymes callit," did not appear. Accordingly, the Council "remittis the saidis Andro Gray and Robert Guthrie to be persewit for the said caus befoir the juge ordiner," but "ordainis letters to be direct chairging the saidis Johnne Stewart, broder germane to James, Lord of Innermeith, James Fyffe, James Dun, James Makky, Robert Rodger, Alexander Spalding, Andro Langlandis, Johnne Langlandis, Thomas Croyll, and George Crawmound, yit as of befoir, to rander and deliver to the said James Gray, and in his power and possessioun, the said castell, tour, hous, and fortilice of the Reidcastell," within three days, under pain thereafter of immediate horning and escheat.

Acta 1577-79.

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Stirling Castle, 3rd April.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart.

Captain Andrew Lamby, keeper of Linlithgow Palace, against Alexander and James Hamilton.

Complaint by "Capitane Andro Lamby, keipar of the palice of Linlythqu," as follows:—"It is not unknawin to his Hienes and Lordis of Secreit Counsale how, in the moneth of Aprile last bipast, James Hammiltoun, secund sone to Mungo Hammiltoun of Pardovin, with his complices, upoun deliberat purpois to have slayne the said Capitane, set upoun him in the hie gait of the burgh of Edinburgh, and thair, in the sicht of Johnne, Erll of Athole, Chancellar of this realme, strak the said Capitane Andro behind his bak and cruellie hurt and woundit his servand on the heid to the effusioun of his bluid, in heich and manifest contemptioun of our Soverane Lordis proclamatioun laitlie maid of befoir, expreslie forbidding all trubill or invasioun be way of deid outher for auld feid or new under the pane of deid." This had not been all. "Not contentit with this outrage and injurie committit aganis him, bot still seiking, with new pyking of quarrellis and fresh displesouris, other to have his life or to

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Acta 1577-79. compell him for his just defence to resist thair bragis to his possibilitie, in the moneth of Februar last bipast, Alexander Hammiltoun, sone and appeirand air to the said Mungo, accumpanyit with his servandis and complices, forcebillie reft and tuke fra the said Capitane Androis servandis, passand thair tyme in the south syde of the burgh of Linlythqu, twa hagbuttis, avowand that thay sould schute and slay thame with pistolettis gif they had refusit then presentlie to deliver the saidis hagbuttis (quhilkis hagbuttis the said Alexander yit detenis), the said Capitanis self being then actuallie resident in the Castell of Striviling awaiting on his Hienes service and leaving his servandis fra quhom the saidis hagbuttis war reft and taikin behind in the palice of Linlythqu for keiping thairof." Finally, "the saidis Alexander and James Hammiltonis planelie kything thair conspirit and deliberat purpois to seik the said Capitane Androis lyfe be all meanis, upoun the xxi day of Marche last bipast thay, with their complices, servandis to Williame Menteith of West Kerse, and utheris, bodin in armour, and furneist with licht horssis, lay at await for the said Capitane as he wes cumand throw the Falkirk toward our said Soverane Lord to attend on his Hienes service, thinking to have schot him in his cuming throw the toun; and, failyeing in thair intendit crueltie that way, drew thair led horse furth at the bak yet of the hous quhair thay war, and followit him straitlie, on set purpois and provisioun to have slayne him; quhilk be all appeirance they had performit in deid gif the said James horse had not fallin under him, and that the Maister of Levingstoun, the Lard of Auchincloich, and Robert Levingstoun of West Quarter, had not stayit and resistit thair weikit interpryise, schoiring to have schot thame with pistolettis gif they desistit not,—the said Capitane being in the menetyme singalie accumpanyit with ane servand, and cuming fordwart the direct way to Striviling to attend on his Hienes service, it being the verray nycht that he wes appointit to keip wache." Thus "be thir persuittis and dalie awaitting for his slauchter causles, he is not onlie in continewale hazard and perrell to be slayne, bot is stayit of frie acces betwix this and the said palice of Linlythqu."—Letters had been duly issued, charging the said Alexander Hammiltoun and James Hammiltoun to appear personally to answer the complaint, and also charging "the said Mungo Hammiltoun, thair fader, and the said Williame Menteith of West Kerse, maister to the said James, to entir and present
Page 187. thame," all under pain of rebellion and horning. "Quhilkis being callit, and the said Capitane Andro Lamby, persewar, as alsua the saidis Alexander and James Hammiltonis, compeirand all personalie, as alsua Alexander Menteith compeirand in the names of the saidis Williame Menteith of West Kerse and Mungo Hammiltoun, quhilk Alexander askit instrumentis upoun the entering of the saidis personis," the decision of the Lords runs thus:—"Remittis the first part of the saidis letters, tuicheing the invasioun of the said Capitane Andro and hurting of his servand, to be persewit criminalie befoir the justice or utheris juges competent, and assoilzeis the said Alexander Hammiltoun fra the secund part of the said

complaint, in respect of the Act of Parliament maid anent slaying of hart, hynd, and utheris beistis and fowlis with culveringis; and, for the thrid part, in respect that baith the partiis hes referrit thameselffis voluntarilie to the testificatioun and witnessing in that point of Alexander, Maister of Levingstoun, Robert Levingstoun of West Quarter, and Robert Grahame of Auchincloich, thairfoir ordanis letters to be direct, chairging the saidis Robert Levingstoun and Robert Grahame to compeir personalie befoir his Majestie and Lordis of his Secreit Counsale at Striviling, or quhair it sal happin thame to be for the tyme, the nynt day of April instant, to beir leill and suithfast witnessing, in sa far as they knaw or salbe speirit at thame in the said mater, under the pane of rebellioun and putting of thame to the horne." Commission is to be at the same time given to Alexander Hay, director of the chancellary, "to pas and examinat the said Alexander, Maister of Levingstoun, upoun his knawlege in the said mater." It is also ordered that the two culprits shall "find cautioun befoir thay depairt furth of this toun" for their appearance to be tried on the first charge "befoir the justice and his deputis the thrid day of the nixt justice air of the Sherefdome of Linlythqu, or sonar upoun xv dayis warning," and also before the Council on the appointed 9th day of April instant, each under pain of £500. Acta 1577-79.

Stirling Castle, 4th April.

Sederunt—Domini ut in die predicto.

Caution for Alexander and James Hamilton.

Caution for the two Hammiltouns as required by yesterday's order,—for Alexander Hammiltoun by Thomas Levingston of Bantone, and for James Hammiltoun by Johnne Hammiltoun of Eist Bynnie. Page 188.

Lady Maxwell of Nether Pollock, against her son, John Maxwell, and Adam Cunningham, son of the Laird of Caprington.

Suit of "Elizabeth Maxwall, relict of umquhile Johnne Maxwall of Nather Pollok, knycht," as follows:—"Upoun the penult day of Maii last bipast, Johnne Maxwall, now of Nather Pollok, hir sone, and Adame Cunninghame, sone to the Lard of Capringtoun, with thair complices, with convocatioun of our Soverane Lordis liegis to greit nowmer in weirlyke maner, contrair the tennour of the Act of Parliament, come to the said place of Nather Pollok, pertening to hir in heretage, and be way of deid perforce enterit within the same, brak the yettis thairof, imprissonit the said Elizabeth thairin, and dang and hurt hir servandis being within the said place, to the effusioun of thair bluid in greit quantitie." Further, "upoun the xvii day of August last, the said Johnne, with his complices, come to hir maltmanis hous, and violentlie spuilyeit and tuke fra him ane chalder of hir malt; and thaireftir the said Johnne and his complices come to hir manis of Nather Pollok and spuilyeit, reft and away-tuke of the ground thairof ane gray horse, worth ane hundraith merkis, pertening to hir as hir awin propir guidis." Still further, "the said Johnne, not beand satiat heirwith, bot continewand in his oppressioun of the said Elizabeth, upoun the xxvi day of Februar last bipast, come, accumpanyit with the said Adame Cunninghame and utheris his com-

Acta 1577-79. plices, to the landis of Hagis, pertening to hir in heretage, and violentlie ejectit and removed hir tennentis thairof furth of thair houssis and the ground of the samyn, and hes ane garesoun of men lyand presentlie thair, quha hes erectit and maid ane greit strenth with fowseis and plennissit the samin with artailyerie, tending thairby be plane force and violence to intromet with and uptak yeirlie hir haill leving, to hir greit heirschip and
Page 189. scaith." The usual letters of charge had gone out:—"Quhilkis being callit, and the said Elizabeth Maxwall, lady Pollok, persewar, compeirand personalie on the ane part, and the saidis Johnne Maxwall, now of Pollok, hir sone, and Adame Cunninghame, compeirand alsua personalie," the Lords, after consideration, pronounce thus: "Remittis the first part of the said complaint, tuicheing the taking of the said hous of Nather Pollok in weirlyke maner, and inprissoning of the said Elizabeth, and dinging and hurting of hir servandis, to be persewit criminalie befoir the juge competent as appertenis; and siclyke the awaytaking of the said malt and of the said gray hors to be lykwayis persewit civilie befoir the juge ordinar;" but "decernis and ordanis the saidis Johnne Maxwall and Adame Cunninghame to reposses the said Elizabeth Maxwall to the houssis and ground of the saidis landis of the Haggis," requiring also the said Johnne Maxwall to find security for doing so, and for leaving her unmolested in future, under pain of 10,000 merks.

Caution for young Maxwell of Pollock.

Caution for Maxwall, in terms of the last entry, by Williame Cunninghame of Caprintoun, the father of the other culprit; said caution including any over whom Maxwall may have power.

Petition of the Magistrates of Dumfries respecting the new prison of that town.

Supplication of the Provost, Bailies, and Town Council of Drumfreis, as follows:—"Be act and ordinance of Secreit Counsale, thay have laitlie fund cautioun actit in the buikis thairof to big ane sufficient prissoun-hous of thre hous hicht, on the north syde of thair auld tolbuith, for the mair suir keiping of prissoneris that salbe committit to ward thairin in tyme cuming, and for that effect to mak the condampnit prissoun in the boddum of the hous." The petitioners are now of opinion that this important part of the general prison would be more secure if it were in the middle or upper part of the building, "considdering that the ground quhairon the haill hous sould be biggit is sandy and stanerie, quhair the prissoneris may werk under the wall and undermyne the samyn, and sa eschaip; and
Page 190. lykwayis thair may be slittis maid laich throw the same hous to let in the air, quhair, without the jevelouris knawledge, the freindis of sic as beis committit to ward sall have acces to intercommoun with thame, and mak schiftis to get thame furth." The petitioners therefore pray that the King and Council will "gif thame licence to mak the said prissoun in the mid or ovirhous of the said hous;" and the answer is that they may "big thair condampnit prissoun in quhat rowme of the said hous they think metest, the samyn [to] be suir and sufficientlie voltit."

Stirling Castle, 6th April.

Sederunt—Jacobus, Comes de Mortoun; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; David, Commendatarius de Drybrugh; Adam, Commendatarius de Cambuskynneth; Clericus Justiciarie. Acta 1577–79.

Cranstoun of Morestoun and his curators against William Hume and others.

Complaint by Johnne Cranstoun, son of Johnne Cranstoun of Morestoun, and by George Hume of Weddirburne and Alexander Hume of Hutounhall, his curators, as follows:—The said Johnne Cranstoun, by gift of the King during Mortoun's regency, has "the ward and nonentres of all and haill the aucht husband landis of Rymmiltounlaw, with thair pertinentis, pertening to his Hienes, be ressoun of ward, throw deceis of umquhile George, Erll of Huntlie, lyand within the barony of West Gordoun and sherefdome of Beruik." Accordingly, Cranstoun and his servants "hes bene in peciabill and continewall possessioun of the saidis landis, be lauboring, teilling, sawing, and manuring of the same, setting and disponing thairupoun at his plesour, without all stop, trubill, or molestatioun." Nevertheless, Williame Hume, younger, brother german to James Hume of Coldinknowis, Patrik Brounlie, Robert Dun in Hume, servants to the said Williame, George Hume in Kelso, Cristell Hume in Fallinesche, and Johnne Hume, his brother, there, "be thameselffis, thair servandis, and complices in thair names, of thair causing, command, assistence, ratihabitioun, upoun the sevint and aucht dayis of Marche last bipast, come to the said Johnnis pleuch, beand for the tyme yokit and gangand upoun the ground and landis of Rymmiltounlaw foirsaidis, and thair mannassit and boistit Patrik Greif, his servand and hynd, and compellit and constraynit him to lowis the pleuch, and leif the labouring of the ground, declairand to him in plane wordis that, gif evir he yokit the pleuch agane upoun that ground, or utherwayis war found lauboring the same, it sould coist him his life." The said hind, thus threatened, had then "lowsit the said pleuch, and as yit he nor na uther dar yok hir agane; quhairthrow the saidis landis lyis waist and unlabourit, to the said Johnnis extreme hurt, and to the greit contempt of our Soverane Lord and his authoritie." The parties accused had been duly summoned, under pain of horning, to appear before the Council on the 5th of April instant, to answer the complaint; and the decision now runs thus:—"Quhilkis being callit, and the said Johnne Cranstoun and his saidis curatouris compeirand be Thomas Cranstoun, his fader broder, and Andro Kneland, his procuratouris, and the saidis Williame Hume, younger, Patrick Brounlie, Robert Dun, George Hume, Cristell Hume, and Johnne Hume, beand oftymes callit, and not compeirand," these last six are to be put to the horn and to escheat. Page 191.

Walter Balvaird and Grissel Smith against Patrick Wemyss, minister, and John Row.

Complaint of Walter Balwaird of Glentarkie, and Grissell Smyth, as follows:—Although they had "obtenit decreit befoir the juges ordinar, the Commissaris of Edinburgh, aganis sic as maid thame impediment to proceid in the band of mariage, togidder with letters chairging Patrik Wemys, minister, to solempnizat the same," yet "the said Patrik and

Acta 1577-79. Mr Johnne Row, commissionar in that part, hes not onlie stayit the same, bot, befoir he culd get the saidis letters execute aganis thame, they have excommunicat the said Walter, intending thairthrow to defraude him of all justice, albeit in verray deid the said Walter evir wes reddy to have obeyit the Kirkis command, as autentik instrumentis taikin thairupoun proportis." He has divers times complained to the "Assembleis of the
Page 192. ministrie," requiring redress; but "he can ressave na thing bot delay." Accordingly, due summons having gone out to the two persons principally accused to appear and answer, under pain of rebellion and horning, the result is:—"The said Walter Balwaird compeirand personalie, and the said Patrik Wemys being alsua personalie present, and the said Maister Johnne Row being excusit be the redar of Perth, the ressonis and allegationis of baith the saidis partiis being hard, sene, and considerit, and the saidis Lordis being thairwith ripelie avisit, the Lordis of Secreit Counsale ordanis the said Walter Balwaird to persew the said actioun befoir the Lordis of Sessioun or Commissaris as he thinkis gude, to be decydit be thame as judges competent thairto as accordis."

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Justiciarie. Stirling Castle, 9th April.

John Gordon of Cluny, and his son Thomas, denounced for resisting a decreet. The case continued against their adherent, David Chalmers.

Case of Johnne Gordoun, of Cluny, with his son Thomas Gordoun, and his retainer David Chalmer, as follows:—The King and Council, understanding that "David, Bischope of Abirdene, on the ane part, Williame Dowglas of Glenbervy, on the uther part, and Johnne Gordoun of Cluny, on the thrid part," each claimed to have "richt and titill to the teindis of New Abirdene," and intended to have "maid convocatioun of his Hienes lieges in weirlyke maner for leiding of the saidis teindis, off this instant crop and yeir of God j^{m}v^{c}lxxviii yeiris," had, to prevent inconvenience, issued letters, dated at the Castle of Striviling, the 16th of August last, under the King's subscription and signet, "quhairwith all the foirsaidis partiis war chairgit to have desistit and ceissit fra all leiding or intromissioun with the saidis teindis, or ony part thairof, or making of ony convocatioun of his Hienes liegis to that effect, bot to have sufferrit and permittit Gilbert Guthrie, Merchemont herald, to have collectit, led, and intromettit thairwith, and to have stakit the samyn upoun the ground of the saidis landis, or some uther convenient place thairabout, upoun the expenssis of the self teindis, thair to have remanit ay and quhill it had bene decydit be ordour of law and justice to quhom the samyn justlie
Page 193. appertenit." These letters "the said Johnne Gordoun hes contempnandlie dissobeyit, in sa far as Thomas Gordoun, his sone and appeirand air, accumpanyit with David Chalmer in Auld Abirdene, and utheris his complices, houshald men and servandis to the said Johnne, bodin in feir

of weare, upoun the fift day of September instant, not onlie stoppit the said Gilbert Guthrie to have collectit and intromettit with the saidis teindis to the effect foirsaid, bot als maisterfullie, violentlie, and perforce intromettit with the same, and led and transportit thame to the townis of New and Auld Abirdene, quhair thay presentlie remane, mynding to dispone upoun thame at his plesour." Due charge had been given to the said Johnne Gordoun of Cluny, Thomas Gordoun, and David Chalmer, to appear and answer, under pain of horning; and charge had also been given to the Sheriff of Abirdene and his deputies, Adame Gordoun of Auchindoun, and the provost, bailies, and council of the burgh of Abirdene, not to suffer the said teinds to be touched or meddled with meanwhile by the Laird of Cluny, or any others, under pain of being held personally responsible for the damages, and esteemed art and part with the prime offenders. And now, "the saidis David, Bischope of Abirdene, and David Chalmer, compeirand baith personalie, and the saidis Johnne Gordoun of Cluny, and Thomas Gordoun, his sone, being oftymes callit and not compeirand," the Council orders the two Gordouns to be denounced rebels, and put to the horn; but "continewis the said mater aganis the said David Chalmer in the samyn forme, force, and effect as it is now, but prejudice of party, quhill the xx day of Maii nixt to cum." Acta 1577-79.

Caution for Lord Hay of Yester.

Caution, jointly and severally, by "Williame, Lord Hay of Yester, as principale, and James Cokburne of Scraling and David Sinclair of Blans, as pledgis and souirteis for him," that he will enter himself in ward in Blaknes Castle on the 20th of April, under the pain of 10,000 merks. Page 194.

Alexander and James Hamilton.

Alexander Hammiltoun and James Hammiltoun, sons of Mungo Hammiltoun of Pardowen, take instruments that they have this day appeared as required [see *ante*, p. 126–8], and that therefore they have relieved their caution found to that effect.

New caution for James Hamilton.

New caution for James Hammiltoun, by his brother Alexander, apparent of Pardovin, and James Kincaid of Carlowrie, jointly and severally, that he will give himself into ward in Dumbartane Castle within four days, under pain of 1000 merks.

Stirling Castle, 10th April.

Sederunt—Domini ut in die predicto.

Hector M^cLean of Coill, against Lauchlan M^cLean of Dowart.

Complaint of Hectour M^cClayne of Coill against Lauchlane M^cClayne of Dowart, as follows:—On the 20th of April last, or thereabouts, the said Lauchlane M^cClayne, his servants and accomplices, "enterit in the said Hectouris castell and fortilice of Coill be force and violence, and maisterfullie, but ony ordour of law or justice, tuik the same castell and fortilice frome his servandis, with the munitioun, plennissing, and furnissing being thairin, and mannit and stuffit the said castell in weirlyke maner." Further, "immediately thaireftir, the said Lauchlane M^cClayne of Dowart

Acta 1577-79. intromettit with and disponit upoun the said Hectouris haill leving and heretage to quhom he pleasit, usurpand our Soverane Lordis auctoritie upoun him as thoch the said Hectour war convict and forfaltit, he being his Hienes frie subject, nawayis astrictit to the said Lauchlane, nor he havand na maner of jurisdictioun or auctoritie abone the said Hectour, and hes utterlie baneist him, his native men and tennentis, out of thair awin rowmes, houssis, and boundis, and wrakit thame, and put thame to extreme povirtie; quhairthrow thay ar nouther abill to persew justice in the ordinar forme befoir the Lordis of Counsale and Sessioun, nor yit is thair ony hoip to get executioun althoch decreit wer obtenit; and swa, without his Hienes and Lordis of Privie Counsale provide sum present and summare remedie of this inordinat oppressioun and uttrage, the said Hectour wilbe utterlie wrakit for evir." The accused had been summoned
Page 195. in usual form to render the premises within six days, or else to appear and show cause to the contrary, under pain of rebellion and horning; and now, "the said Hectour M°Clayne of Coill, persewar, compeirand be Maister Thomas Craig, his procuratour, and the said Lauchlane M°Clayne of Dowart being oftymes callit and not compeirand," more peremptory orders are to go out, requiring him to surrender the castle and fortalice within other six days, under pain of denunciation, horning, and escheat, these six days being past.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth. Stirling Castle 11th April.

All the entries of this day relate to Johnne, Lord Maxwall, ex-warden of the West Marches. They are as follows:— Various entries relating to Lord Maxwell, as ex-Warden of the West Marches.

Exoneration of Lord Maxwall from the surety he had given in February last for the delivery of the house and fortalice of Lochmaben, etc., to Johnne, Lord Hereys, his successor in the wardenry [*ante*, p. 92], inasmuch as Lord Maxwall produces satisfactory evidence that he has, within the assigned time, fulfilled that engagement in every particular.

Page 196. Promise by Lord Maxwall "to entir and present Jok Armstrang of Caffeild befoir the Kingis Majestie and Privie Counsale upoun the first day of Maii nixt to cum, under the pane of twa thowsand pundis."

Submission by Lord Maxwall "to underly sic advise and ordour as the Kingis Majestie and Lordis of his Privie Counsale sall gif the said Lord, tuicheing the Armstrangis of the Gyngillis and thair complices; quhairunto his Hienes appointis the said xx day of Maii nixt to cum, and in the menetyme ordanis the Lord Hereis to tak assurance betuix the saidis Armstrangis of the Gyngillis and the Ellottis of Ewisdaill, quhill the last day of the said moneth of Maii or quhill midsomer, and to bring furth four or half a douzane of the principallis of ayther partie with him, that his Hienes and his Counsale may caus consideratioun be tane of thair

offenssis, and se quhat securitie is requisite for performance of the offerris." Acta 1577-79. The King also commands, and Lord Maxwall promises, "that the saidis Armstrangis sall not be inquietit be him or his in occupying of thair rowmes, sen the seasoun is present and passing away can not be recoverrit;" and the Council, "for the said Lordis warning, gif he sall ony mak in the menetyme upoun thame be ordour of law," remit "it to be reasonit upoun heireftir, befoir the principale mater tak end."

Consideration by the King and Council of "the landis and rowmes clamyt be Cristell Armstrang of Barngleis, callit Johnnis Cristie," after having "hard baith the Lord Maxwall and the said Cristie in his Hienes awn presence." The result is:—"Continewis the ordour taking in the saidis materis quhill the xx day of Maii nixt to cum, and ordanis the said Cristie to compeir befoir his Hienes and Privie Counsale at the said day, and ordanis his Majesteis missive letter to be directit to Sir Alexander Jarden of Apilgirth, knycht, for delivery of sum letters reportit to be in his handis be the said Cristie, that will serve partlie to preve his clame; as alsua ordanis the said Cristie to get his cautioun for releif of his plege agane the said day; lyke as alsua the said Lord Maxwall is ordanit to bring and present the said Robert Maxwall, his broder naturall, befoir his Majestie and his said Secreit Counsale, the said xx day of Maii, to answer to sic thingis as salbe layed to his charge."

Exhibition by Lord Maxwall of "certane takis maid to his guidsire and himselff of the Castell of Lochmaben, landis, proffeittis, and fischeingis belanging thairto," with allegation "that he hes done na wrang in intromissioun and uptaking of the proffeittis and dewiteis of the saidis landis, pretending his tak to be sufficient richt to that effect, notwithstanding his Majesteis revocatioun and command gevin to answer Johnne, Lord Hereis, Page 197. his Hienes Wardane of the West Marche, of the same" [*ante*, pp. 89, 94]. The Council order the dates of the tacks produced to be noted, adjourn the matter to the 20th of May, and charge Lord Maxwall "that he on na wayis intromet with the said Castell of Lochmaben, fruittis, rentis, and proffeittis belangand thairto," in the meantime. Lord Maxwall protests that his obedience to this command shall not prejudice his right.

Stirling Castle, 12th April.

Sederunt—Domini ut in die predicto.

Further complaints against Lachlan M°Clean of Dowart.

Complaint of "Allane Oig M°Clayne, sone to umquhile Hectour M°Clayne Allansoun," against Lauchlane M°Clayne of Dowart [see recent entry of 10th instant, *ante*, p. 132], as follows:—"Upoun the xxiii day of Maii, the yeir of God j^{m}v^{c}lxxvii yeiris, Lauchlane M°Clayne of Dowart, eftir the apprehensioun of the said umquhill Hectour, fader to the said compliner, and himself, tuke and transportit thame to his said place of Dowert, and deteanit thame thair in irnis, strait prissoun, and captivitie a lang space, and than he tuke occasioun to transport thame to his castell of Coill, quhair he maist cruellie and unnaturallie causit strek the heid fra the said umquhile Hectour, being his neir kynnisman and foster fader." Moreover,

Acta 1577-79. "the said Lauchlane, not being satiat thairwith, bot mynding to execute the lyke crueltie upoun the sone that he put in executioun upon the fader, maist tirannuslie hes for that effect imprissonit the said compliner agane within the said castell of Coill, quhair as he yit detenis him in maist strait captivitie and prissoun, usand him maist extreamilie." The usual letters had gone out, summoning Lauchlane M°Claine to appear and produce his prisoner, or else show cause to the contrary:—"Quhilkis being callit, and the said Lauchlane M°Claine nather compeirand, nor the said Allane Oig M°Claine not being exhibitit, the Lordis of Secreit Counsale ordanis letters to be direct simpliciter to denunce the said Lauchlane to the horne, and to escheit, etc."

Page 198. Complaint by Donald M°Claine, son of Johnne Dowrache, as follows: —"Upoun the xv day of Aprile last bipast, Lauchlane M°Clayne of Dowart and his complices and servandis put violent handis in the persoun of the said Donald, and perforce tuke and transportit him to his castell of Carnbulge, quhairin he put the said Donald in prissoun and captivitie, and as yit detenis him in maist vyle prissoun and firmance." There having been no appearance of Lauchlane M°Claine to answer this charge either, and no exhibition of the said Donald, the Lords order letters of denunciation and horning against the said Lauchlane M°Claine on this charge also. Another charge against M°Clean of Dowart.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Andreas, Dominus Uchiltre; Allanus, Dominus Cathcart; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 14th April.

Lauchlane M°Claine to be denounced and put to the horn for not appearing to answer summons against him on yet another charge, made at the instance of Agnes Campbell, Lady Terrewin, as follows:—"Johnne Dow M°Clayne, accumpanyit with the haill freindis and force of Lauchlane M°Claine of Dowart, bodin in weirlyke maner, off his speciall causing, hounding out, command, assistence, and ratihabitioun, in the moneth of Januar last bipast, come to the Isle of Giga, pertening to the said Agnes Campbell in lifrent, and thair maist cruellie, barbaruslie, and unmercifullie murdreist and slew nyne of the maist honest men within the said yle, togidder with twa wemen, without pitie or compassioun of thair estait, the ane of thame being greit with chyld, and spuilyeit the same yle of the haill guidis being thairin, to the nowmer of five hundreth ky, thre hundreth hors and mearis, and twa thowsand scheip and gait, with all the reddy victuall being alsua within the same; and, not satiat thairwith, treason-
Page 199. abillie rasit fyir and brint and distroyit the houssis and cornis of the four merkland of Kenarraroch, the twa merkland of Terbert, the four merkland of Ardalay, and the twa merkland of Drumachro; quhairthrow a greit Yet another charge against M°Clean of Dowart.

multitude of honest houshaldaris ar compellit to beg thair meit and put to utter povirtie for evir; committand heirthrow oppin and manifest treasoun in rasing of fyir, cruell murthour and slauchter be way of hame-suckin and commoun oppressioun, in hie and manifest contemptioun of our Soverane Lordis auctoritie and lawis." Acta 1577–79.

Caution for some Aberdeen merchants.

Caution by "Alexander Cullane and Patrik Abircrumbie, burgessis of Abirdene," for "Maister James Burnett, Alexander Quheit, Alexander Alschunder, Williame Robertsoun, Johnne Tullydaff, Gilbert Guthrie, and utheris nychbouris, burgessis of Abirdene," that they will abide the King's judgment, whatever it may be, "anent the guidis of the saidis merchandis stayit, arreistit and intromettit with in Flanderis be Mr George Halket, Conservatour of the privilegis of the Scottis natioun in Flanderis, as becum in his Hienes handis be ressoun of escheit as uncustumat guidis, not contenit in thair cokquettis brocht in the schippis quhairof Robert Ramsay and Johnne Peddell war skipparis and maisteris." In consideration of this caution,—which is subscribed "Alexander Cullane, with my hand, Patrik Abircrumby, with my hand at the pen led be Alexander Hay, notar, at my command: A. Hay,"—it is ordered that the goods be meanwhile restored to the said merchants.

Bailie Craigengelt, and the Provost and other Bailies of Stirling, assoilzied from a charge of wrongous imprisonment.

Complaint by Robert Cousland, burgess of Striviling, as follows:—"Robert Craigingelt of that Ilk, ane of the baillies thairof, upoun the xxvi day of Marche last bipast, apprehendit the said Robert Couslandis persoun, and put him in ward within the tolbuith of Striviling; quhair he hes bene still detenit sensyne, the said Robert Craigingelt allegeing him to be chairgit be letters sa to do for allegit non-payment of viii^{xx}x lĩ. of birun annuellis to James Marschell, burges of the said burgh, howbeit in veritie thair is na sic charge direct aganis the provest and baillies of the said burgh as to put and hald the said Robert Cousland in ward, bot the fordest charge quhairwith he can be burdynnit is poinding and apprysing of his landis and guidis of horning." Charge had been given to the said Bailie Craigingelt, for himself, and for the provost and the rest of the bailies, "to put the said Robert Cousland to libertie within thre houris," or else to appear before the King and Council "upoun the morne eftir the said charge," bringing with them proofs of their being legally bound to "put and hald the said Robert Cousland in ward," the rather because "the said Robert is ane seiklie man, in greit aige, and can not continew in ward within the said tolbuith without danger of his life." And now, "the said Robert Craigingelt compeirand personalie for himself, and in name of the provest and remanent baillies of the said burgh, and the said Robert Cousland being alsua personalie present," the Lords find that the magistrates had acted legally, and therefore "assoilzeis thame simpliciter fra the said complaint in tyme cuming." Page 200.

Supplication by "Maister Petir Young, elemosinar to his Hienes" [see

Acta 1577-79 vol. ii. pp. 181, 478, and 689], as follows:—"Thair hes bene yeirlie sen hes Hienes birth sum puyr young boyis servit in Skeir Furisday, quhairof the nowmer augmentis be ane yeirlie, according to the nowmer of the yeiris of his Hienes aige (be quhais institutioun the ordour begouth the said Maister Petir is uncertane), swa that this last yeir thair wes tuelf servit, and this yeir willbe ane ma. The maner of thair serving is to gif ane coit of blew claith to everie ane, everie ane sex quarteris of blew claith, tua ellis of lynning, sum breid, drink, hard fischis, herring, and sa mony schillingis as his Majestie is of yeiris of aige, with ane litill purse to be hung about thair craigis." Mr Peter Young suggests "that it mycht pleis his Majestie to considder gif this day, this aige of young boyis, this augmentatioun of the nowmer yeirlie, this maner of service, is Page 201. worthie to stand and be continewit furth or not: or quhether gif it sall not be meittar to alter the day for supersti[ci]ous caus to the day of his Hienes birth, quhilk is the xix day of Junii, or ellis to sum day befoir the wintir; and [1] gif, insteid of young boyis, puyr aigit honest folkis salbe metar to be placit, [2] giff a certane nowmer sall stand continewallie in a place, or removabill to be chosin yeirlie of the maist misterfull at the discretioun of the elemosinar in the rowmes quhair his Majestie sal happin to be for the tyme, seing his Hienes will not remane alwayis at ane place, [3] gif the payment to be maid salbe in money or in claith, breid, drink, and fische, as of befoir or not." The King and Council determine thus:—"Findis it meit and expedient that this his Hienes almous salbe gevin in maner following to certane aigit and decayit personis, sumtyme honest houshaldaris, maist misterfull, in nowmer according to the yeiris of his Hienes aige, at the sicht and discretioun of his Hienes elemosinar, and of the majeistratis of the toun quhair his Hienes sall happin to be present for the tyme, upoun the xix day of Junii yeirlie, quhilk is the day of his Hienes nativitie, begynnand upon the xix day of Junii nixt to cum,—that is to say, to everie ane a maid gowne of blew claith, and als mony schillingis of sylvir as his Hienes is of aige; and ordanis his Hienes thesaurar to answer and caus deliver to his said elemosiner the saidis blew gownis maid, and money to be distributit thairwith according to the quantitie befoir writtin, and the price of the same gownis and money salbe thankfullie allowed to the said thesaurare in his comptis be the auditouris thairof, quhom his Majestie ordanis to allow the same yeirlie and ordinarlie without ony speciale or particulare precept everie yeir for this effect."

Suggestion of Mr Peter Young, the King's Eleemosynar.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Privie Counsale be Maister Petir Young, elemosinar to his Hienes, makand mentioun, that quhair his Majestie and the Lordis of his Counsale seis quhat nowmer of puir peopill continewallie resortis at the yettis of this his castell of Striviling, quhair his Majestie makis residence, being not onlie ane unplesand and lamentabill spectacle, bot sic a confusioun as alsweill his Hienes self as his nobilitie and utheris repairing to his presence ar grevouslie fascheit and inquietit throw want of ordour and universale

Resort of paupers to Stirling: a commission to report on the subject.

provisioun for the saidis puyr peopill, seing commonlie the strangest beggaris throw thair importunitie gettis the almous, quhen the maist misterfull, seik, and impotent creatouris ar owirsene and neglectit, and certane weill knawin and notorius lymmaris and ydell vagaboundis, hanting about Edinburgh and athort all the realme, keipis conventionis heir at Striviling als ordinarlie as they war chairgit to cum be proclamatioun, and defraudis the puyr creaturis that maist requiris help of the almous of all cheritabill personis; requiring thairfoir for sum remedy and guid ordour to be providit for the said abuse and confusion, sen utherwayis it is impossibill to the said Maister Petir to hald the spectacle of beggaris from his Hienes, or that the almous bestowed be his Majestie sall do ony gude, as the said supplicatioun in effect proportis: the Kingis Majestie, with avise of the Lordis of Secreit Counsale, ordanis Johnne Erskin of Dun, Mr. James Haliburtoun, provest of Dundie, the said Maister Petir Young, and Alexander Hay, directour of the Chancellarie, to consult and mak overtures to his Hienes and his said Counsale how the said mater may be best helpit, be puneisment of the strang and idle beggaris and vagaboundis, and provisioun for the puir and misterfull that aucht to be cared for, and to report thair saidis overturis howsone convenientlie they may, that forder ordour may be taikin heiranent as appertenis." Acta 1577-79. Page 202.

Stirling Castle, 15th April. Caution for Archibald Marshall.

Caution by Duncane Forestar of Quenishauch for Archibald Marschell in Alloway that he will put himself in ward in the castle of Blaknes within forty-eight hours. Penalty 500 merks.

Caution for Lady Grange.

Caution by "Alexander Guthrie of that Ilk, and Robert Mowbray, fear of Barnebowgall," that they will "entir and present Margaret Leirmonth, relict of umquhile Sir Williame Kirkcaldy of Grange, knycht," before the King and Council at Striviling or elsewhere, on 15 days' warning, "to answer to sic thingis as salbe inquirit of hir:" the penalty to be £1000. [See *ante*, p. 98.]

Stirling Castle, 18th April.

Sederunt — Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth.

Complaint of William Wylie, writer, servitor to the King.

Representation by the King's "lovit servitour, William Wylie, writar," as follows:—"He had attendit on his Hienes service and effairis in writing and utherwayis in all tymes bigane sen his Majesteis coronatioun, as all the saidis Lordis and utheris hes sene and culd testifie [see mentions of him, vol. ii., as by Index]; in consideratioun quhairof, and that be his said service and lang attendence he wes frustrat of all uther meanis to wyn his leaving, having houshald to sustene, it pleasit his Hienes, with avise of my Lord of Mortoun, regent for the tyme, to grant him a pensioun of foure chalder, seven bollis, twa pectis, thrid part peck, of teind meill of the superplus of the thrid of the subdenerie of Glasgu, Page 203.

Acta 1577–79. and, with avise of his Majesteis said Counsale, to renew the same gift divers tymes sen the acceptatioun of the governament of this realme in his awin persoun. Nevirtheles, Maistĕr Andrew Polwart, minister, as the said Williame is informit, hes obtenit a presentatioun to himself of the said subdenerie, upoun dimissioun maid be the lait subdene, and thairupon intendis to purches admissioun." Hence "the said Williames gift may be taikin away, be reasoun ane new providit minister aucht to pay nather thrid nor superplus, and sa disappoint him of his Majesteis onlie said rewaird, to his greit scaith and hurt, without remeid be providit." The Council therefore has now "commandit the keiparis of the register of benefices, the privie sele and writeris thairto, to stay the passing of all presentationis or uther giftis gevin or to be gevin of the said benefice, and the Lordis of Counsale and Sessioun to grant [? no] decreittis or letters thairupon, quhill the said William be first hard, and ordour taikin anent the suirtie of his said pensioun, annulling and dischairging all presentationis and uther giftis thairof utherwayis in the menetyme be this present act."

The Earl of Mar and the expenses of his Majesty's table.

Representation by Johnne, Earl of Mar, lord Erskin, Keeper of the Castle of Stirling, to the effect that, whereas "it pleasit his Hienes and his said Counsale, eftir his revocatioun maid of the thriddis and superplus of benefices within this realme, to gif and dispone to the said Erll of Mar monethlie the sowme of foure hundreth pundis money of this realme, begynnand at the first day of Maii last bipast, and sa furth monethlie sensyne and in tyme coming, ay and quhill forder ordour be tane, off the first and reddyest of the said superplus, off this instant crop and yeir of God j^{m}v^{c}lxxviii yeiris, and that for his support in outred of his dettis and sustening of sindrie greit extraordinar chairgis and expensis necessar for the avancement of his Hienis estait and service, specialie in furnissing and sustening of the Counsall tabell within the said Castell," and whereas on the approaching 1st of May it will be a complete year since he entered on his post of Keeper under that arrangement, it is now necessary that there should be further understanding on the subject. Accordingly, the Council now "ordanis and commandis the Collectour-generall of the superplus of the thriddis to content and pay to the said Johnne, Erll of Mar, the said sowme of foure hundreth pundis monethlie, off the first and reddyest of the said superplus, off the said crope and yeir of God j^{m}v^{c}lxxviii yeiris or of the yeiris to cum, begynnand at the moneth of Maii nixt to cum, and sa furth monethlie in tyme cuming during tyme of his Majesteis residence in the said Castell of Striviling, or that forder order be tane, and this present Act and Ordinance expreslie dischairgit."

Page 204. *Sederunt*—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Robertus, Comes of Buchan; Andreas, Dominus Uchiltrie; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth. Stirling Castle, 20th April.

Walter Wood of Balbegno, and Thomas Fotheringham of Power.

Complaint of Walter Wod of Balbegyno, as follows:—"He, as sone and air of umquhile Johnne Wod of Balbegyno, and as nevoy and air be progres of umquhile Andro Wod of Balbegino, his guidsire, wes laitlie persewit befoir the Lordis of Counsale and Sessioun upoun the reductioun of his awin and his saidis predicessouris infeftmentis of the lordschip and thanedome of Fettercarne, grantit unto thame be our Souverane Lordis progenitouris of maist worthie memorie, at the instance of Thomas Fothringhame of Power, abnevoy of umquhile Thomas Fothringhame of Powrie, his foirgrandfather; quhilk mater, eftir lang proces, being at that point that it sould have bene decydit, the said Thomas Fothringhame desistit fra his persuit and past fra his summondis rasit in the said mater, in presence of the saidis Lordis, quhairby that jugement wes frustrat. Quhairupoun the said Walter Wod, be assistence of his Majesteis advocattis in his Hienes name, hes taikin occasioun to persew the said Thomas Fothringhame for reductioun of his said predicessouris titill of the foirsaidis landis; and nochttheles the said Walter hes meanit unto his Hienes that he is stayit of the commoun cours of justice be his Majesteis letter direct to the saidis Lordis of Counsale and Sessioun in favouris of the said Thomas Fothringhame, to the said Walteris greit hurt, dampnage, and scaith."—Charge had been given "to the said Thomas Fothringhame of Powerie, and Maister James M°Gill of Rankelour Nether, Clerk of Register, to bring and exhibit the said letter grantit be our Soverane Lord in favouris of the said Thomas Fothringhame befoir his Majestie and Lordis of Secreit Counsale this day, and to have hard and sene command gevin to the said Chancellar, President, and Lordis of Counsale and Sessioun, to proceid and do justice in the said mater presentlie depending, according to the lawis of this realme;" and command had also been "gevin to his Hienes advocattis, to quhom his Majestie hes credeit the charge of all his effairis in the law, that according to thair guid discretionis thay assist to the said persuit, notwithstanding ony utheris letters gevin or to be gevin in the contrair." And now, parties being called, "and baith the saidis Walter Wod and Thomas Fothringhame compeirand personalie, and the said letter being producit in the Clerk Registeris name," his Majesty, with advice of his Council, renounces "his instance in the said actioun," and discharges "his Hienes advocattis present and to cum of all insisting thairin or forder persewing thairof," and also commands the Chancellor, President, and Lordis of Counsale and Sessioun, that thay proceid na forder in the said mater, bot to desist and ceis thairfra in tyme cuming, ay and quhill our Soverane Lord and his thrie Estaittis tak ordour in Parliament thairintill, to be weill grantit and gevin upoun wechtie considerationis, not onlie tuiching the said mater particularlie, but mony ma caussis belanging to his Majestie, his nobilitie, and heretabill vassalis, in thair heretage." Acta 1577-79. Page 205.

Stirling Castle 23d April.

Sederunt—Robertus, Comes de Lennox; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Andreas, Dominus

ta 1577-79. Uchiltrie; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Clericus Justiciarie.

In the matter of Margaret Stewart, widow of the Master of Ochiltree, and the lands of Crugleton.

Complaint by Margaret Stewart, relict of the late Andro, Master of Uchiltrie, referring to the previous decree, given by the King and Council on the 26th of January, in her favour, and against "Maister Johnne Dowglas, chamerlane of the priorie of Quhitherne," and to the caution Douglas had then entered in the Books of Council for his obedience to that decree [see the decree and caution, *ante*, p. 89, and see also p. 90].

Page 206. She complains that "nevirtheles, the said Maister Johnne hes nawayis obtemperit, fulfillit, nor obeyit the decreit and ordinance abonewrittin, nother in payment making to hir of the maillis, fermes, proffeittis, and dewiteis of the saidis landis, mylnis, multuris, and pertinentis thairof abonewrittin, of the said crop and yeir of God j^{m}v^{c}lxxvii yeiris, and in tyme cuming thaireftir during his said offices of chamerlenrie, nor in entering hir, hir factouris and servitouris in hir name, to the peciabill possessioun, bruiking and joising of the saidis landis and mylnis, nor yit will desist and ceis frome forder trubling, molesting, or impediment-making to hir in the peciabill possessioun and bruiking of the same in tyme cuming, bot, directlie aganis the band and promeis of the said souirtie, still occupyis, lawbouris, and manuris the saidis landis; quhairthrow the executioun of the said decreit is utterlie frustrat, and the said Margaret greitlie hurt and opprest, without his Hienes and the saidis Lordis provide remeid."—Charge had, accordingly, been given both to Johnne Douglas, the chamberlain at fault, and also to his surety, Mr Robert Douglas, provost of Lincluden, to appear to show cause why the penalty incurred should not be exacted, "and, thairfoir, the said Maister Robertis landis and guidis to be poindit and apprysit thairfoir, and the same pane to be deliverit to the said Margaret;" and now, parties being called, and "the said Margaret Stewart compeirand be Maister Robert Danielstoun,

Page 207. hir procuratour, and the said Mr Johnne Dowglas compeirand personalie for himself and in name of the said Mr Robert Dowglas," the deliverance is:—"Decernis the said Maister Robert to have incurrit the said pane of twa thowsand merkis; and, thairfoir, ordanis his landis and guidis to be poindit and apprysit thairfoir, and the samin to be deliverit to the said Margaret Stewart, becaus the said Maister Johnne fulfillit not that part of the said decreit tuicheing the entrie of the said Margaret, hir factouris and servitouris in his name, to the peciabill possessioun, bruiking and joising of the said ten merkland of Crugiltoun, with the castell, tour, fortilice, yairdis, orcheardis, woddis, parkis, and medowis thairof, nor yit desistit and ceissit frome forder trubling, molesting, or impediment-making to hir in the peciabill possession and bruiking of the same, bot, directlie aganis the said decreit, sen the geving thairof hes detenit the said hous and lauborit and manurit the saidis landis, lyke as wes trewlie understand to his Hienes and the Lordis foirsaidis. Attour, the saidis Lordis ordanis letters to be direct for putting of the said decreit

to forder executioun in all pointis, conforme to the tennour thairof, in forme as effeiris." Acta 1577-79.

Stirling Castle, 24th April.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchan; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Commendatarius de Cambuskynneth.

Complaint of the tenants of Kirkpatrick in the abbacy of Paisley.

Complaint of "the puir tennentis within the lordschip and parochin of Kirkpatrik, pertening to the abbay of Paslay, assumit in the thrid thairof," as follows:—"Adame, Commendatar of Cambuskynneth, on the ane part, hes causit charge the saidis complineris to mak payment to him of thair ferme and teind meill assumit in the said thrid, and hes causit execute utheris letters of inhibitioun, expreslie forbidding the saidis complineris to mak payment thairof to ony utheris, specialie in respect of his Majesteis revocatioun of all giftis, pensionis, and assignationis; and, on the uther part, Johnne Cunninghame of Drumquhassill, capitane of the Castell of Dumbartane, clamand the saidis fermes and teindis assumit in the said thrid to be assignit to him for keiping of the said castell, hes, be the auld letters past befoir his Hienes acceptit the governament in his awin handis, causit not onlie charge the saidis compleneris, bot dalie intromettis with thair naiggis and cattell, quhairwith thay sould occupy the ground in this seasoun of the yeir, mynding to appryis the same for the saidis victuallis, to thare uther wrak and heirschip, gif remeid be not providit." The two contending claimants had been summoned before the Council, "to the effect it mycht be declairit to quhilk of thame the complineris abonespecifiit aucht to mak paiment;" and now, "the saidis complineris compeirand be Alexander , thair procuratour, the said Adame, Commendatar of Cambuskynneth, compeirand personalie, and the said Johnne Cunninghame of Drumquhassill compeirand alsua be Umphra Cunninghame, his procuratour," this deliverance is given: "Remittis the decisioun of the said mater to the Lordis of Sessioun, as judges competent thairto, in the same stait as it is presentlie; and ordanis the said Adame, Commendatar of Cambuskynneth, and Johnne Cunninghame of Drumquhassill, to desist and ceis fra all trubling, calling, or persewing of the saidis complineris for the caussis foirsaidis quhill the tent day of Maii nixt to cum." Page 208.

Petition of Campbell of Caddell.

Petition of Johnne Campbell of Caddell as follows:—Since May 29, 1569, he has been in possession of "all and haill the toun and landis of Cowpar-Grange, with the pertinentis, lyand within the lordschip of Monkis Cowpar and sherefdome of Perth, pertening to him heretabillie in few ferme, halden of the Commendatar and Convent of Cowpar, for payment of certane maillis, fermes, and dewiteis specialie contenit in the infeftmentis maid to him and his predecessouris thairupoun." But "Robert, Lord Boyd, Collectour-generall of the thriddis of benefices within this

Acta 1577-79. realme, and James Purdy, Ilay herald, his under ressaver, allegeand foure chalderis aucht bollis beir to be assumit in part of payment of the thrid of the said abbacie of Cowpar furth of the said Johnne Campbellis landis
Page 209. of Cowpar Grange, off the croppis and yeiris of God, etc., lxxv, lxxvi, lxxvii, and lxxviii yeiris last bipast, hes compellit his tennentis and occupyaris of his saidis landis to mak thame payment of the foirsaidis foure chalderis aucht bollis beir of the saidis yeiris, under the pane of rebellioun and putting of thame to the horne; albeit in veritie the said Johnne nor his saidis tennentis of the landis foirsaidis be na further obleist to the said Commendatar and Convent bot to pay to thame the maillis, fermes, and dewiteis specifiit in his said infeftment, or sylvir prices and maillis of the samyn at his will and plesour, as his said infeftment, and ane decreit gevin be the Lordis of Counsale and Sessioun aganis the said Commendatar thairupoun, schawin and producit befoir his Hienes and Lordis of Secreit Counsale, beiris." The petitioner represents, therefore, that "he nor his saidis tennentis aucht on nawayis to be trublit" for the "foure chalder aucht bollis beir" above mentioned, and that "the samyn aucht to be tane furth of the teindis or sum uther part of the said abbacie, specialie that in respect that, attour and beside the fermes and dewiteis auchtand to him furth of the saidis landis, the Abbot of Cowpar liftis yeirlie for the teindis of the samyn lx bollis beir and sex scoir bollis meill, or thairby, quhairof the thrid sould be payit." The King and Council give this deliverance:—"Ordanis and commandis the Collectour-generall, all his deputis, and clerk of the rentallis, to alter the said assumptioun on that part tuicheing the saidis foure chalderis aucht bollis beir, and to tak the same furth of the teindis of the said abbay, or sum uther part thairof, or to charge the Abbot of Coupar thairfoir as he that aucht to warrand the same, as they sall think guid, sua that the said Johnne Campbell of Caddell be onlie addettit to the saidis Commendatar and Convent, or utheris that effeiris, in payment of his few ferme, dewitie of the saidis landis, conforme to his said infeftment, decreit foirsaid, and justice."

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Willelmus, Stirling Castle, 25th April.[1]

[1] Between this meeting and the last, *i.e.*, on the 24th of April 1579, there had occurred an event which must have been in the minds of all the Councillors now present. It is thus related by Spotswood:—"Upon the 24 of April, the Earl of Athol died at Kincarne [Kincardine in South Perthshire, not far from Stirling] of a sicknesse contracted in Striveling, where he and some other noblemen had been feasted by the Earl of Morton; and, as report speaketh always the worst of great men's deaths, so the rumour at this time went that Morton had made him away by poison: which his lady and friends did so strongly apprehend as, when the Council was examining the physicians that embalmed his corps whether they perceived any sign of poison at his unbowelling, they took upon protestatioun that the trial of the Council should not prejudge the criminal pursuit which they intended before the Justice. And, albeit the physicians did upon their oaths declare that his death was not caused by any extraordinary mean, yet the scandal was fostered a long time by a sort of rhyming libels, which were afterwards tried to be composed by one Turnbull, a schoolmaster at Edinburgh, and another called William Scot, who were exe-

Dominus Ruthven; Andreas, Dominus Uchiltrie; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Justiciarius Clericus. Acta 1577-79.

Hew Girvan, servant of the Commendator of Kilwinning, against the Earl of Eglinton.

Complaint of Hew Girven, domestic servant to Alexander, Commendator of Kilwynning, as follows:—"Hew, Erll of Eglintoun, upoun ane pretendit act be the quhilk it is allegit that the compliner fand cautioun to underly the law for crymes of theft and oppressioun, hes, upoun the nynt day of Aprile instant, chargit his cautioneris to entir him the sext day eftir the charge befoir the said Erll, as baillie principall of the regalitie of Kilwynning, and his deputis, in ane court of justiciarie to be haldin in Kilwynning at that day, and intentis, gif he be sufferrit to proceid in his malicious intent and purpois, to hazard the complineris life, his geir, and fame, to the tryell of ane verray suspect assyis, outwaillit be the said Erll of sic personis that dar not utherwayis declair except thay knaw it to be his pleasour; howbeit it be of veritie that he and his deputis ar verray suspect to be judges to the said compliner in sa wechtie a mater tuicheing his life; quhilk, in cais it be taikin fra him be thair weikit moyne and pretences, can nevir be recoverit be na reductioun of thair proceedingis." Page 210. It is notorious "that the first motive of this dittay aganis the said compliner proceedit upoun ane sclander rasit be Johnne Wrycht in Richesoun, quha befoir the kirk of Kilwynning hes confessit his falt and offence thairinto, and hes be expres ordinance of the said kirk maid his publict repentance, and askit God and the said compliner forgevenis thairof, as ane Act of the Assemblie of the said Kirk, schawin and presentit befoir his Hienes and the Lordis of Secreit Counsale, beiris." Nevertheless, on no other occasion but that slander, the Earl "causit Hew Montgomerie of Smythstoun, baillie depute of Kilwynning, with certane utheris his freindis and utheris in armes, upoun the aucht day of Februar last bipast, under silence of nicht," to seize the complainer, "being lyand in his bed in Johnne Hillis hous in Ovir Moncastell;" whence they "cariit him away to his hous of Dalgarven, and held him captive be the space of thre dayis, and wald na ressave cautioun of him nor na utheris in his name, and wald not have faillit to have put him to executioun, lyke as indeid thay war leidand him thairto, except that the said Commendatar, his maister, knawing thair weikit proceidingis, partlie be finding of cautioun and utherwayis be force, hed relevit him furth of thair handis as thay war leidand him be the way; the quhilk cautioun now the said Erll and his depute, continewallie thirstand the complineris bluid, is chairgit for his entres upoun the said sex dayis warning, and, in caise of his entrie, will not faill be ane led assyise to tak his life fra him, he nevir being knawin nor bruittit hithertillis ane offendour." A special reason for interference by the King and Council is that "it is notourlie knawin quhat inimitie standis betuix the

cuted for the same at Striveling in the end of the summer" (Spotswood, 306). By Atholl's death the most conspicuous of Morton's late opponents was removed, and the Chancellorship became vacant.

Acta 1577–79. Page 211. said Erll and the said Commendatar, the complineris maister, quha hes the said Erllis pretendit infeftment of the said baillierie presentlie under reductioun befoir the Lordis of Counsale and Sessioun, lyke as alsua the said Commendatar, for sindrie ressonabill caussis baith of deidlie feid and utheris, hes obtenit his haill tennentis and servandis exemit fra the said Erllis jurisdictioun in all civile and criminale caussis" [see *ante*, pp. 1, 11]. Now, "in caise the said day appointit to the said compliner be keipit, it will not faill bot the said Erll for persuit of his life, and his said maister for defence thairof, will mak greit convocationis of freindis, quhairby greit inconvenientis may fall, to the trubill of the haill cuntrie, specialie betuix sa greit surnames, being a deidlie feid of auld, and yet the feid continewand betuix the hous of Glencarne and the Lard of Cauldwell, dependar upoun the said Erll of Eglintoun, it being alsua of veritie that he and his deputis and houshald servandis hes ilkane fund law souirtie unto the said compliner, as the letters thairupoun, with the executioun thairof schawin, testifiis, and sa ar verray suspect to be judges to the said compliner."—The Earl and his said deputy, Hew Montgomerie, had been duly summoned to answer; and now, "the said Hew Girvane compeirand personalie, with Williame Cunninghame of Caprintoun and Alexander Patersoun, his prelocutouris, and the said Hew Montgomerie of Smythstoun compeirand personalie, with Maister Johnne Schairp, his prelocutour, and the said Maister Johnne compeirand alsua as procuratour for the said Hew, Erll of Eglintoun," the Council "remittis the said mater, in the samyn forme, force, and effect, as it is now, but prejudice of partie, to the Lordis of Counsale and Sessioun, to be decydit be thame as accordis," assigning the 20th day of May for the hearing, and ordering the Earl and his deputies in the meantime to desist from all troubling of the complainer or his surety.

James Nisbet against Cunningham of Drumquhassill again.

Page 212. Refers to the complaint of James Neisbet, burgess of Edinburgh, against Johnne Cunninghame of Drumquhassill, chamberlain of Lennox, for neglect of the King's precept to pay Neisbet £500 in discharge of a debt contracted in April 1566 by the King's grandfather, Matho, Earl of Lennox,

Page 213. When the matter was last before the Council, on the 27th of March [*ante*, p. 122], Cunninghame had staved off payment by asking the Council to appoint auditors to examine his accounts, with authority to give him acquittance and discharge. Six such auditors had been appointed, and Cunninghame had been ordered to appear before them at Striviling on the 24th of April. The 24th of April being now past, and Cunninghame having made no appearance before the auditors, the complainer renews his complaint, which is recited at length, and almost verbatim, from the

Page 214. previous narrative. The deliverance of the King and Council is now as follows:—"Ordanis letters to be direct chargeing him to mak payment to the said James Neisbet of the said sowme of five hundreth pundis money foirsaid conforme to the said precept within thre dayis nixt eftir he be chairgit thairto, under the pane of rebellioun, and gif he failyie

thairin, the saidis thre dayis being bipast, to denunce, etc., and to escheit, etc." Acta 1577-79.

Stirling Castle, 28th April. Thomas Drummond presented by his surety.

This day "Maister Johnne Halden of Glennageis enterit and presentit Thomas Drummond befoir the Lordis of Secreit Counsale, conforme to the charge gevin to him."

Stirling Castle, 30th April. Revived prosecution of Lord John Hamilton and Lord Claud Hamilton on a charge of having been guilty of the murders of the Regents Moray and Lennox.

"The Kingis Majestie and Lordis of his Secreit Counsale, understanding that, eftir the maist treasonabill and cruell murthouris of umquhile his dearest uncle, James, Erll of Murray, Lord Abirnethie, and of his dearest guidsire, Mathow, Erll of Lennox, Lord Dernlie, baith regentis to his Hienes, his realme and liegis for the tyme, committit be Johnne Hammiltoun, sumtyme Commendatar of Abirbrothok, and Claude Hammiltoun, sumtyme Commendatar of Paslay, be thame selffis and thair complices, of thair causing, sending, resseting, command, and ratihabitioun, following the bludie treade quhilk they and thair foirbearis of the same name had used of befoir, in murthering and procuiring the distructioun of his Hienes dearest grandsire and his fader of worthie memorie,—the same personis having, eftir sa mony mischevous murthouris, rasit and mantenit a dangerous civil weare aganis his Hienes and his authoritie royall in his young aige, quhairin mony of his dearest kynnisfolkis and faithfull servandis war slayne and cut away,—at last, in the moneth of Februar, the yeir of God j^{m}v^{c}lxxii yeiris, a certane Pacificatioun wes maid at the burgh of Perth, and thairby the personis that enterit in the said civile weare and rebellioun aganis his Majestie remittit and dischargit for all crymes, transgressionis and offences, committit be thame in the said commoun caus or ony thing depending thairupoun, saiffing in sa far as the said remissioun and discharge mycht extend to the murtheris of his Hienes dearest guidsire and uncle the Erllis of Murray and Lennox, his Regentis,—quhilkis war thocht materis of sic wecht and importance as the Erll of Mortoun, Regent to his Hienes, his realme, and liegis, at the tyme of the making of the said Pacificatioun, could not convenientlie of himself remit; yit, in respect of the necessitie of the same Pacificatioun, it wes accordit that, the mater of the said remissioun of the saidis murtheris being moved be the personis cravand the said remissioun to the Quene of England, being Princes in the warld nearest to our Soverane Lord baith be blude and habitatioun, quhatsoevir scho sould advise and counsale tuicheing the remissioun of the saidis murtheris, the said Erll of Mortoun, regent for the tyme, with consent of Parliament, for the weill of his Hienes and the universale quietnes of his realme, sould performe, observe, and fulfill; and, according thairunto, the Quene of England, being moved, declairit hir advise that the inquisitionis, serches, and revenges, be justice or utherwayis, of the saidis tua murtheris sould be suspendit, differrit and put owir untill sic tyme as his Hienes sould be of that aige as, be the lawis and custumes of this realme, he sould tak the governament to himself; to quhome scho meanit not at that tyme that hir said advise sould be ony prejudice, bot Page 215.

Acta 1577-79. that his Hienes mycht in this cais do then as sould seame convenient.—And his Majestie having, be the space of ane yeir syne now bygane, with avise and consent of his Estaittis, aggreabill with the lawis and custumes of this realme, taikin the governament of the same to himself, and his acceptatioun thairof ratifiit and approved be Parliament, considdering his dewitie aucht to God, in revengeing be justice of the saidis maist cruell and schamefull murtheris, and that the saidis Pacificatioun and advise of the Quene of England, nor na promeis contenit thairin, onywayis impeidis the just executioun of the decreitis and sensamentis of Parliamentis quhairby the saidis Johnne Hammiltoun and Claude Hammiltoun war adjugit to have tint and forfaltit thair lyffis, landis, honouris, benefices, and levingis for the saidis maist treasonabill murtheris and lesemajestie committit be thame,—Quhairfoir our said Soverane Lord, with the resolute advise and deliberatioun of the Lordis of his Hienes Privie Counsall and utheris undersubscrivand, hes thocht convenient that the saidis decreittis and sensamentis of Parliament gevin and pronuncit aganis the said Johnne and Claude Hammiltonis salbe execute without delay; and to that effect, thair personis to be serchit for and apprehendit, that they may ressave puneisment according to thair treasonabill deservingis; and that their houssis salbe chairgit and gif neid beis assaigit; thair escheittis intromettit with and uptaikin, and all uther thing set furdwart that to the executioun of the premissis is necessarlie requirit, as tending to the discharge of his Majesteis dewitie aucht to God in doing of justice, and for the suirtie of his persoun, estait, and commoun weill of his realme and subjectis. Sic subscribitur:—Levinax. Mortoun. Ergile. Angus. Eglintoun. Mar. Rothes. Buchane. Erroll. Ruthven. Ucheltrie. Patrik Lyndesay. Cathcart. R. Boyd."[1]

[1] For elucidation of the present order some particulars are necessary in addition to those already given in the note at p. 116:—The assassination of the Regent Moray, in the streets of Linlithgow, on the 23rd of January 1569–70, by a shot fired from a window by James Hamilton of Bothwellhaugh, was reputed at the time to be no act of private revenge merely, but a deed planned by the Hamilton party, and especially by John Hamilton, ex-Archbishop of St Andrews, the natural brother of the Duke of Chatelherault, and by the Duke's sons, Lord John Hamilton and Lord Claud Hamilton, all then exasperated anew against the Regent by his imprisonment of the Duke. When the chances of the Civil War in the subsequent Regency of Lennox threw the ex-Archbishop into the hands of Lennox, this was one of the charges on which that prelate, the moving spirit of the Hamiltons, and one of the chiefs of Queen Mary's faction, was tried and hanged (April 6, 1571), though another was that he had been art and part in the murder of Lennox's son, Lord Darnley. Five months afterwards, when Regent Lennox himself was killed in an assault upon Stirling by a body of Queen's men, led by the Earl of Huntly, Lord Claud Hamilton, and Scott of Buccleuch, and shouting *Think on the Archbishop of St Andrews* as they rushed through the streets (Sept. 3, 1571), the general belief was that the order to kill him had been given by Lord Claud Hamilton. Thus, through the Regency of the Earl of Mar, the two Hamilton brothers,—Lord John, Commendator of Arbroath, and Lord Claud, Commendator of Paisley,—were not only conspicuous men among the many "forfaulted traitors" for actions on Mary's side in the Civil War, but also liable, with a few others, to the special charge of having been concerned in the murders of the two previous regents. This had been one of Morton's difficulties, when, on his succession to Mar in the Regency in the close of 1572, he was bent on putting an end to the Civil War, and restoring harmony by a very general indemnity to the Queen Mary's men for their past offences. The matter was achieved in the famous *Pacification of Perth*, of Feb. 23,

Stirling Castle, 1st May.

Sederunt—Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Adam, Commendatarius de Cambuskynneth; David, Commendatarius de Dryburgh; Computorum Rotulator. Acta 1577-79. Page 216.

Boswell of Auchinleck against a number of Craufurds.

Complaint by Johnne Boiswall of Auchinlek, as follows:—"Johnne Craufurde of Schaw, Hew Craufurde of Templand, Patrik Craufurd in Grenane, Johnne Craufurd, sone to the said Johnne Craufurde, George Craufurde, his sone alsua, George Craufurd of Lefnoreis, Williame Craufurd, his sone and appeirand air, George Craufurde, sone to the said Lard of Lefnoreis, George Craufurd of Drungane, George Craufurd in Auchincroce, Hew Craufurd in Auchinvay, with thair complices, dalie invadis, boistis, mannassis, and persewis the said Johnne, his kin, freindis, allya and servandis; lyis at await and unbesettis thair gaittis for thair bodilie

1572–3, negotiated between Morton's Commissioners on the one part, and the Earl of Huntly and Lord John Hamilton for himself and his brother, on the other part. By that Pacification (see it printed in full in vol. ii. of this Register, pp. 193–200), the Earl of Huntly, the two Hamilton lords, and nine and twenty other persons, twenty of them Hamiltons, were admitted by name to a full indemnity for their political offences committed since June 15, 1567, with restoration to their estates, etc., the benefit of the same indemnity to be extended to such others as might come in and show cause; while the difficulty of the murders of Regents Moray and Lennox was evaded by this clause:—"Quhilkis ar materis of sic wecht and importance as the said Lord Regent of himself cannot convenientlie remit thame: Yit, in respect of the present necessitie of the pacificatioun, it is accordit that, the mater of remissioun of the saidis murthouris being movit be the personis cravand the said remissioun to the Quenis Majestie of Ingland, being Princes in the warld nerrest to oure Soverane Lord bayth be blude and habitatioun, quhatsoevir scho sall advise and counsall tuicheing the said remissioun of the saidis murthouris the said Lord Regent, with avise of Parliament, for the weill of oure Soverane Lord and universall quietnes of the haill realme, sall performe." The judgment of Queen Elizabeth, it seems, had been that the business might lie over till King James himself came of age to act for himself in it; and so the two Hamiltons had been living on, hardly dreaming of any resuscitation of so old a subject. Now, however, King James having nominally assumed the Government in his own person about a year ago, and being nearly thirteen years of age, and Morton and the rest having found occasion to deliberate the matter for him, the bolt descends on the two brothers, as if out of a clear sky. The mode of action is summary enough. The brothers are to be apprehended at once as condemned for the murders long ago, and there is to be immediate execution against them of the doom of forfaulture of life, lands, and honours, pronounced before the Pacification of Perth, and thought to have been abrogated by that Pacification. The doom had been in the form of an Act of Parliament at Stirling in August 1571, forfaulting them amid a batch of about thirty persons in all, among whom were their father the Duke of Chatelherault, the Earl of Huntly, Kirkcaldy of Grange, Maitland of Lethington, Sir James Balfour, Ker of Fernihirst, and others of the Queen Mary chiefs. The Act itself has not been preserved; but there is sufficient mention of it in various histories. See Spotswood, p. 156, Calderwood, iii. 137, and Reg. Priv. Coun. ii. 114. According to Spotswood (p. 306) this summary form of proceeding against the Hamiltons had not been adopted without some remonstrance in the Council itself. "Touching the form of proceeding," he says, "the opinions of those that were privy to the business were different: for some thought that the persons who were suspected should be summoned to a day and form of process kept with them; others judged that there needed no such formality, seeing the Authours were known, and the sentence of forfeiture pronounced against them stood unreduced. To use a citation, they said, was to give them warning to flee, whereas otherwise they might be taken unprovided." The latter opinion had prevailed. At this time the elder brother, Lord John Hamilton, was about forty-seven years of age; Lord Claud was considerably younger.

Acta 1577-79. harm, slauchter, spuilyeing of thair guidis, and in speciall at marcattis and in the cuntrie, quhair thair hes bene divers bluidscheddis betuix thame. And now laitlie Johnne Craufurd, sone to the said Johnne Craufurd of Schaw, hurt the said Johnne Boiswall in the arme, to the effusioun of his blude in greit quantitie, and as yit dalie persewis him, swa that he dar not repair to his lefull effairis besinessis, without convocatioun of his kin and freindis, for feir of his life."—Summonses had gone out to the accused Craufurds to appear and answer on this day; and now, "the said Johnne Boiswall compeirand personalie, and the saidis George Craufurd of Lefnoreis, Williame Craufurd, his sone and appeirand air, Page 217. George Craufurd, alsua his sone, Johnne Craufurde of the Schaw, Hew Craufurde of Templand, and Johnne Craufurde, his sone, compeirand be Chairlis Drummond of Kingisfeild, specialie constitute be thair letters of procuratorie, and the saidis George Craufurd of Drungane, and George Craufurde, sone to the said Johnne Craufurde of the Schaw, being oftymes callit and not compeirand," the deliverance is that the proper officers "tak siker souirtie and lawborrous of the saidis personis and thair complices, sa mony as the said compliner will mak faith he dreidis bodilie harme of," for their keeping the peace to him and his, "under the panis following, quhairof the ane half to appertene to our Soverane Lord, and the uther half to the persoun or personis offendit unto; that is to say, the said George Craufurd of Leifnoreis under the pane of twa thowsand merkis, the saidis Williame Craufurd and George Craufurd, his sonis, George Craufurd of Drungane, Hew Craufurde of Templand, Johnne Craufurd of the Schaw, Johnne Craufurd and George Craufurde, his sonis, ilkane of thame under the pane of ane thowsand pundis, and of thair complices ilk gentilman landit under the pane of j^{c} li., ilk gentilman unlandit j^{c} merkis, and ilk yeman xl li." Failing the finding such sureties within six days after personal warning to the accused, or after notice to them by proclamation at the market cross of the head burgh of their shire, they are to be denounced and put to the horn.

Sederunt—Domini ut in die predicto. Stirling Castle, 2nd May.

"The Kingis Majestie, considdering his dewitie aucht to God in doing of justice, and that the suirtie of his persoun, estait, and commounweill of his realme cravis that the authoris of the maist cruell murthouris of his progenitouris and dearest freindis salbe punischit as thair weikit and treasonabill deservingis hes worthilie meritit, seing the lawis of God and man sa allowis, and that his maist faithfull counsallouris and weilwillaris hes thocht the same maist necessar to be presentlie done without delay,—for quhilk caus his Majestie hes ordanit the personis of Johnne Hammiltoun, sumtyme commendatar of Abirbrothok, and Claude Hammiltoun, sumtyme commendatar of Paslay, being cheiflie culpable of the cruell murthouris of his Hienes dearest guidsire and uncle the Erllis of Lennox and Murray, regentis of his realme, of gude memorie, and standing Proclamation against the Hamiltons.

declairit tratouris to his Hienes thairfoir, to be apprehendit and punischit; Acta 1577–79.
to the executioun quhairof, and repressing of sic rebellioun as the saidis Page 218.
declairit tratouris hes heirtofoir rasit and mantenit within this realme, the concurrence of his Hienes faithfull and loving subjectis is requisite,—Thairfoir, with avise of the Lordis of Secreit Counsale, ordanis letters to be direct to officiaris of armes, his Hienes shereffis in that part, chairging thame to pas to the marcat croces of the heid burrowis of the sherefdomes of Edinburgh principale, and within the constabularie of Hadingtoun, Linlythquow, Striviling, Kinross, Clakmannane, Lanark, Dumbartane, Renfrew, Air, and utheris places neidfull, and thair, be oppin proclamatioun in our Soverane Lordis name and authoritie, to command and charge all and sindrie his Hienes liegis betuix lx and xvi yeiris, and utheris fensable personis, alsweill duelland to burgh as to land, within regalitie as rialtie, that they and ilkane of thame, weill bodin in feir of weir in thair maist substantious maner, addres thame with all possibill diligence eftir the said proclamatioun to pas fordwart to Hammiltoun, or fra thine to sic uther part (gif neid be) as they sall be certifiit be thame quhome his Majestie sall specialie direct to lett thame knaw further of his mynd, tucheing the persute and apprehensioun of the saidis tratouris, as his Hienes loving subjectis will declair the pruif of thair effectioun toward his Hienes, and under the pane of tinsell of life, landis, and guidis; and als to command all and sindrie his Hienes liegis, be oppin proclamatioun at the saidis marcat croces and utheris places neidfull, that nane of thame tak upoun hand to assist, tak part, ressett, supplie, or intercommoun with the saidis declarit tratouris and rebellis or thair followaris and parttakaris, or gif thame meit, drink, hous, or harberie in privie or apart, or furneis thame, or the castellis and houssis stuffit and detenit be thame aganis his Hienes and his authoritie, with ony men, munitioun, armour, victuallis, horsis, schipping, or schaw thame ony maner of favour, or interteny intelligence with thame, directlie or indirectlie, under the pane of treasoun; certifeing thame that dois in the contrair, they salbe estemit as plane parttakaris and favouraris of the saidis declairit tratouris and murtheraris, and the said proces of forfaltour salbe led aganis thame, conforme to the lawis and actis of Parliament."[1]

[1] No time had been lost in giving effect to the order for the apprehension of the Hamiltons. On the preceding day, May 1, a commission of Lieutenancy had been drawn out at Stirling empowering the Earls of Morton, Angus, Mar, and Eglinton, with Lord Ruthven, Lord Boyd, and Lord Cathcart, to pursue the two brothers, march against them in armed array wherever they were, besiege their castles, arrest them and all others that might be regarded as their accomplices in the murders of the Regents, and make war and raise fire against any that should muster round them or defend them. It would seem that the brothers had already somehow been warned of what was intended for them, and that, though they had concluded that their only chance of safety lay in the possibility of escaping from Scotland, preparations had been made, or were being made, for the defence of two of their strongholds, Hamilton Castle in Lanarkshire and the Castle of Draffen in the same county. The latter was then the residence of their insane elder brother, the Earl of Arran (*ante*, p. 116, footnote), and of their mother, the Duchess of Chatelherault.

Acta 1577-79. *Sederunt*—Domini ut in die predicto. Stirling Castle, 4th May.

King's Tenants and others in Fifeshire, against the Provost, Bailies, and Town Council of St Andrews.

Complaint of "his Hienes tennentis of his propir landis of Ardocht, Drone, Kingisbarnis, and remanent tenentis of his Majesteis propir landis of the eist and north sydis of the sherefdome of Fyffe, and baronis, gentilmen, and utheris duelland ewest the citie of Sanctandrois," as follows:—"This last symmer, the provest, baillies, counsale, and communitie of the said citie of Sanctandrois, hes, at thair awin handis, without ony power or commissioun had of his Hienis, rasit and augmentit thair firlott and peck mair nor evir it wes of befoir, ane pect and mair of everie boll, sa that [na?] victuall can be sauld be the saidis complineris within the said citie, bot they ar constroynit to sell the samin to thame with the
Page 219. mesour of thair new firlott, and, besydis that, to gif thame ane pect of cheritie to everie boll." This is "ane greit hurt and dampnage to his Hienes liegis selland thair cornis within the said citie;" and, besides, "it is of veritie that the saidis provest and baillies hes brint and selit with thair toun mark foure small firlottis quhilkis ar les nor the said new firlote ane pect or thairby, quhairwith the gentilmen and utheris duelland about the said citie, that settis thair landis for fermes to thair tenentis, ar compellit to ressave the same fermes fra thame be the said small firlote, becaus they conditioun to ressave thair fermes with the mett of the commoun firlot of Sanctandrois: and, quhen they have ressavit thair fermes, they mon sell thame in the said marcatt with the said greit firlote, and gif alsua charitie as said is, to everie boll of quheit half ane peck, and everie boll of beir and aittis ane haill peck; sa that the bair boll of ferme quhilk they ressave fra thair tennentis mon have tua pectis befoir it be sauld equivalent to thair greit mett, to the saidis complineris greit inlaik and scaith."—To answer this charge there had been summoned "Sir Patrick Leirmonth of Dersy, knycht, provest of Sanctandrois, Maister David Meldrum, Alexander Winsister, and David Balfour, baillies thairof, Williame Adamsoun, deikin of the tailyeouris, Patrik Playfeir, deikin of the cordineris, Thomas Bruce, deikin of the wobstaris, James Broun, eldar, deikin of the baxtaris, within the said citie of Sanctandrois, counsallouris thairof." And now, "Maister Johnne Prestoun compeirand personalie as procuratour for certane of the tennentis of the saidis landis of Ardocht, Drone, and Kingisbarnis, and for divers baronis, gentilman, and utheris duelland ewest the said citie, specialie constitute be thair letters of procuratorie, and the saidis Maisteris David Meldrum, Patrik Playfeir, James Broun, Alexander Wynsister, David Balfour, Williame Adamesoun, and James Broun compeirand alsua personalie," the deliverance is:—"Ordanis the saidis provest, baillies, and counsale of the said citie to caus the said new mesour to be distroyed, and na further usit in tyme cuming, and that the auld mesour of the said citie be observit and usit in tyme cuming, in buying, selling, ressaving, and delivering, at the sicht of the Archibischope and Priour of Sanctandrois or sic as they direct, with sic gentilmen as they sall pleis to call

unto thame, betuix and the xxiiii day of Maii instant:" this regulation to continue "ay and quhill ane general ordour be taikin be the Kingis Majestie, with avise of his Estaittis, anent mesouris universalie within this realme." Acta 1577-79.

Protest for the St Andrews authorities.

Protest by Meldrum that this Act shall "nawayis prejudge thame or thair priviligis of the said citie heireftir." Page 220.

Stirling Castle, 5th May.

Sederunt—Domini ut in die predicto.

New order for Proclamation against the Hamiltons.

Repetition of the order of May 2 for Proclamation against the Hamiltons, with some changes. The part of that former order commanding a levy of all the lieges, for the apprehension of the Hamiltons, at Hammiltoun or elsewhere, is now omitted, and the Proclamation proper is to begin at the part of that former order commanding the lieges simply "that nane of thame tak upoun hand to assist," &c. From these words, the Proclamation is to run on as before as far as to the words "under the pane of treasoun," but with this new continuation from that point, "bot to serche, seik, and tak thame quhairevir they may be apprehendit, and to bring and present thame to his Majestie, assuring thame thairfoir to be honorabillie rewairdit, to the lestand weill of thame and thair posteritie." The closing certification to them "that dois in the contrair" is exactly as before. Something had happened to cause a modification of the language of the Proclamation.

Stirling Castle, 7th May.

Sederunt—Domini ut in die predicto.

Lord Seton and the King's movables and household stuff.

George, Lord Seytoun, having appeared personally on the summons sent him to answer "upoun his intromissioun and disposition of certane his Hienes movabillis and houshald stuff," under pain of rebellion and horning, and his explanations having been considered, "the Kingis Majestie and Lordis of Secreit Counsale referris the said mater to be tryit and conferrit with the inventare of the Kingis Majesteis movabillis, and the said Lord Seytoun to be warnit thaireftir of new." Page 221.

Stirling Castle, 9th May.

Sederunt—Domini ut in die predicto.[1]

Third order for Proclamation against the Hamiltons.

New order for Proclamation against reset of the Hamiltons, or assistance

[1] This formula, "*Sederunt domini ut in die predicto*," has been repeated for every sitting of Council since May 1, when the Councillors named as present were the Earl of Lennox, Lord Buchan, Lord Ochiltree, the Abbot of Cambuskenneth, and the Comptroller. The formula, never a very trustworthy one, may be true in this case; for we are to remember that Morton, Angus, Mar, Eglinton, Ruthven, Boyd, and Cathcart had been away from Stirling since the 1st or 2nd of May, on their military commission for pursuit of the Hamiltons (*ante*, p. 148, footnote). In fact, as we shall find, the Council had divided itself for a time into two sections—one remaining at Stirling; the other in station at Hamilton, for the siege of Hamilton Castle, and for other business about that spot.

Acta 1577-79. to them, the King and Council now "understanding the saidis personis to be lurkand in sum partis of this cuntrie, suppleit and intertenyit be sindrie thair privie favouraris and weill willaris, abiding occasioun outher to eschaip, and pas furth of this realme, or then to nureis and foster sum new rebellioun, as the obstinat halding of the houssis of Hammiltoun and Draffen, aganis his Hienes chairgis, and in contempt of his authoritie, be thair directioun, manifestis to the world." The Proclamation is, in the main, to be exactly as before, forbidding assistance
Page 222. of any kind to the Hamiltons, under pain of treason, and promising reward for their apprehension; but this new clause is inserted to meet the change of circumstances:—"And als that na maner of maisteris, skipparis, or marineris of schippis, tak upoun hand to transport the saidis personis or ony uther passingeris furth of this realme (saulffand knawin merchandis, inhabitantis of burrowis), notwithstanding ony licence, charge, or command, direct thairanent of befoir, under the said pane of treasoun."

Sederunt—Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 11th May.

Another order for Proclamation against the Hamiltons. Escaping hitherto, the two traitors "hes stuffit the castellis and houssis of Hammiltoun and Draffen aganis his Hienes and his authoritie, myndit to interteny oppin wear and rebellioun aganis his Hienes, gif the samin be nocht spedilie repressit." It is, therefore, resolved that these two houses shall be besieged till they are taken; and the Lords, "having appointit his Hienes ordinance and artailyerie to be cariit thither for that effect," now give order for the forces that are to guard that artillery, and generally for the conduct of the sieges. "Seing the burding thairof may not alwayis ly upoun ane nowmer, it is appointit how his Hienes subjectis in severall pairtis of the realme sall serve quarterlie thair tyme about, quhill the recovery of the saidis twa houssis treasonabillie detenit aganis his Hienes authoritie, as said is: that is to say, the inhabitantis within the boundis of the sherefdomes of Tarbert, Ergile, Cowell, Dumbartane, Striviling, and Clakmannan, to entir the last day of Maii instant; the inhabitantis within the boundis of the sherefdomes of Perth, Fyffe, and Kinross, and stewartreis of Streytherne and Menteith, to entir the tent day of Junii
Page 223. nixt to cum; the inhabitantis of the sherefdomes of Forfar and Kincardin to entir the tent day of Julii nixt to cum; the inhabitantis within the boundis of the sherefdomes of Wigtoun and Drumfreis, and stewartreis of Kirkcuthbrycht and Annanderdaill, to entir the last day of Julii nixt to cum; the inhabitantis within the boundis of the sherefdomes of Abirdene and Bamff to entir the xx day of August nixt to cum; the inhabitantis within the boundis of the sherefdomes of Elgin, Fores, Narne, and Innernes, to entir the ix day of September nixt to cum; the

Order for a levy of forces, district by district, over the kingdom, to take turns in besieging the castles of Hamilton and Draffen.

inhabitantis within the boundis of the sherefdomes of Lanark, Air, and Renfrew, and baillieris of Kyle, Carrick, and Cunninghame, to entir the first day of October nixt to cum; the inhabitantis within the boundis of the sherefdomes of Edinburgh principall, and within the constabularie of Hadingtoun, Linlythquow, Berwik, Roxburgh, Selkirk, and Peblis, to entir the xxi day of October nixt to cum; and thaireftir to proceid agane in the said ordour gif the occasioun of the service sall sa require, ilk quarter to remane for the space of twentie dayis." There is to be proclamation, accordingly, for the levy of "all and sindrie his Hienes liegis betuix lx and xvi yeiris, and utheris fensable personis," to take their turns of the duty. They are to arrive at Hammiltoun, on the appointed days, "weill bodin in feir of weir, with xx dayis victuallis and provisioun eftir thair cuming, and with palyeonis and cariage to ly on the fieldis," and they are to remain the said space of twenty days, engaged in "assaiging of the saidis houssis," as they may be required by the King or his lieutenant, "under the pane of tynsell of lyffis, landis, and guidis." Acta 1577–79.

All dispositions of property by the Hamiltons to be null.

Farther procedure in the matter of the Hamiltons, as follows:—"It is understand to the Kingis Majestie and Lordis of Secreit Counsale that, be Act of Parliament, it is decernit and declairit that all alienationis, resignationis, dimissionis, and utheris dispositionis quhatsumevir, maid or to be maid be ony persoun or personis convict, or that heireftir sal happin in onywayis to be convict or forfaltit, for art and part of the treasonabill murtheris and slauchteris of umquhile his Hienes dearest fader or regentis, of quhatsumevir landis, heretagis, offices, benefices, rowmes, or possessionis, sen the tymes respective of the committing thairof, ar and salbe null of thameselffis, and of nane availl, strenth, force, nor effect in all tyme cuming, with all that followit, or sall happin to follow thairupoun." Now, though the two Hamiltons are the chief culprits, and are at present fugitive rebels, "nevirtheles sindrie personis that hes purchest and obtenit alienationis, resignationis, dimissionis, and utheris dispositionis, fra the saidis Johnne and Claud Hammiltonis, off landis, heretagis, offices, benefices, rowmes, and possessionis, seikis be ordour of law to have intromission and possessioun upoun the saidis pretendit alienationis, dimissionis, and utheris dispositionis, being in the selff null and of nane availl, the saidis Johnne and Claude being outher alreddy convict or forfaltit for the saidis murtheris, at leist knawin culpable thairof." Accordingly, it is now ordered "that all actionis following and foundit upoun quhatsumevir alienationis, resignationis, dimissionis, or utheris dispositionis, maid be the saidis Johnne and Claude Hammiltonis, manifestlie suspect and fugitive for the saidis murtheris, sall ceis, stay, and remane sequestrat and in suspence in the present estait, quhill the saidis Johnne and Claude Hammiltonis be tryit culpable or innocent of the saidis murtheris." All judges are to take note to that effect. Page 224.

Complaint of "Dame Elizabeth Betoun, relict of umquhile James, Lord

Acta 1577-79. Innermeith, Johnne Stewart, hir sone, George Crawmound, James Dun, Robert Roger, Alexander Spalding, James Fyffe, Andro Langlandis, Johnne Langlandis, Johnne Croill, Johnne Neische, and James M°Ky, hir servandis," as follows:—" James Gray, sone to Patrik, Lord Gray, quhome scho mareit eftir the decis of hir said umquhile husband, the said James being ane young gentilman unlandit or providit of leaving, in hoip that he sould have mantenit and defendit and done the dewitie of ane faithfull husband to hir in hir aige," has greatly deceived her. " The said James, unmyndfull thairof, first weikitlie committit the crymes of adultrie and incest with Issobell Betoun, broder dochter to the said Dame Elizabeth; quhilk Issobell is presentlie greit with barne to him." Then, " seing himselff in danger of our lawis thairfoir, and that the said Dame Elizabeth hed just caus to seik to be separat and devorcit fra him, he, augmentand his former impietie with forder mischeif, tending to hir distructioun, wrak, and utter heirschip, hes on his pretendit maner maid the forme of a selling and dispositioun of hir conjunct fie and leaving to James, Lord Innermeith; quha hes unnaturallie, for the gredynes of that unlauchfull blok, not onlie assistit the said James Gray in his weikit and ungodlie proceidingis aganis hir, bot, in the tyme of the dependence of the said actioun of divorce, hes, be supplicatioun presentit to our Soverane Lord and Lordis of Secreit Counsale, in name of the said James Gray, as hir pretendit heid and husband, chairgit the saidis Johnne Stewart, sone to the said Dame Elizabeth Betoun, George Crawmound, James Dun, Robert Roger, Alexander Spalding, James Fyffe, Andro Langlandis, Johnne Langlandis, Johnne Croill, Johnne Neische, and James M°Ky, hir servandis, purpoislie omitting hir self, to rander and deliver to the said James Gray, and in his power and possessioun, hir hous and duelling place of the Reidcastell in Angus, and for thair allegit inobeydience hes be letters causit put thame to the horne." Again, " without forder charge, auctoritie, or commissioun, the said James Gray, accumpanyit with the servandis of Patrik, Lord Gray, shereff of Forfar, his fader, David, Erll of Craufuird, and James, Lord Ogilwie, and utheris his assisteris and parttakaris, with convocatioun of our Soverane Lordis liegis, ar assaigand hir said hous, and hir self being thairin, be schuting of gunnis and using all uther weirlyke ingyne for wynning thairof, and hir distructioun and heirschip; quhairthrow, nether the said Dame Elizabeth, hir said sone and servandis, can have na acces to his Hienes to meane and lament hir heavie and miserabill estate, nor they to purge thame selffis of the allegit dissobeydience quhairwith they are wranguslie burdynnit; and sa they are lyke to pereis saikleslie, his Hienes authoritie being procurit aganis thame craftilie upoun ane weikit and ewil ground, without his Hienes petifullie considder thair caise and remeid the same."—The principal defendant, James Gray, had received summons to appear and answer, and he and his accomplices had also been charged " to stay the assage abone-mentionat, and all forder molesting or trubling of the said Dame Elizabeth, or hir servandis;" and now, the said

Lady Innermeath and her second husband, James Gray.

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James Gray appearing personally, "as alsua Williame Betoun, as procu- Acta 1577-79.
ratour for the said Johnne Stewart, quha allegit that the said Johnne and remanent personis persewaris abonewrittin mycht not nor durst not compeir to persew in the said mater for feir and danger of thair lyffis," the case is debated. "The said James Gray protestit that, in respect he had compeirit this day personalie, reddy to answer to the said complaint, and had exhibit and producit the saidis letters and chairgis under the Page 226.
panis of horning and treasoun, dewlie execute and indorsat upoun the saidis personis, for randering and delivering of the said hous and place of the Reidcastell, nane of the saidis personis, persewaris, compeirand personalie to persew the saidis letters according to the act of souirtie fund to that effect, that thairfoir the said James Gray sould not be haldin to answer the saidis letters and chairgis quhill he be newlie chairgit or summound and his expenssis payit." This protest is admitted; and the Council moreover "findis and declairis that Andro Gray of Dunnynald, cautionar and souirtie for the saidis personis persewaris, hes failyeit and contravenit the tennour of the Act maid in the buikis of Secreit Counsale [*ante*, p. 125], quhairby the said Andro wes actit and obleist that the saidis personis sould have compeirit personalie befoir his Hienes and Lordis of Secreit Counsale this day, ilkane under the pane of twa hundreth merkis, and swa hes incurrit the said pane; and thairfoir ordanis letters to be direct to officiaris of armes, shereffis in that part, to appryis, compell, poind, and distrenyie his reddyest landis and guidis thairfoir, and, failyeing of his movabill guidis, to appryse his landis, eftir the forme of the Act of Parliament, to the availl of the said sowme of twa hundreth merkis for ilkane of the personis abonewrittin, and mak our Soverane Lordis thesaurar in his name to be payit thairof, according to justice."

Stirling Castle, 12th May.

Sederunt—Domini ut in die predicto.

Another proclamation for the siege of Hamilton and Draffen castles.

The former order for district levies of the nobility and other lieges to carry on the sieges of the two Hamiltons and their confederates in Hammiltoun and Draffen [*ante*, p. 153] had not been very effectual, "seeing the personis anis convenit could not weill remane, the warning being sa suddane and they unprovidit." There is therefore to be new proclamation, "chargeing all and sindrie erllis, lordis, baronys, frehaldaris, Page 227.
landitmen, gentilmen, and substantious yemen men, duelland within the boundis of the sherefdomes of Edinburgh principall, and within the constabularie of Hadingtoun, Linlythquow, Lanerk, Air, and Renfrew, and baillieris of Kyle, Carrik, and Cunninghame," to meet armed, with 15 days' provisions, and "with palyeonis to ly on the fieldis," at Hammiltoun, on the 20th of May, and to remain there 15 days, employed in the siege, under pain, as before, of "tinsell of life, landis, and guidis."

Complaint of Andro Stewart of the Windhill in Evindaill, as follows:—"In the moneth of Aprile instant, Andro Hammiltoun of Syllertounhill, and Johnne Hammiltoun, persoun of Craufuirdjohnne, with thair com-

Acta 1577-79. plices, come to the said complineris mailling of Wyndhill, quhair his servandis wes gangand at his pleuch for the tyme in peciabill maner, lippaning in the menetyme to have bene invadit be na persoun, bot to have laborit the ground without molestatioun. Nochtheles, the saidis Andro and Johnne Hammiltonis, in maist malitious maner, baist, struke, and dang Umphra Stewart, Johnne Ranyk, and Hew Campbell, the said complineris plewman, gangand then at his said pleuch, and cuttit his haill pleuch graith, and chasit his saidis servandis hame; and swa hes oppressit and dalie oppressis and mannassis to slay the said compliner, in sic sort that, for feir of his life, he may not peciabillie bruik his said mailling, bot will be constraynit to leif the samyn waist in tyme cuming, without his Hienes and the Lordis of Privie Counsale provide spedy remeid."—The usual summons had gone out for the offenders to appear and answer this day; and now, "the said Andro Stewart compeirand personalie, and the saidis Andro and Johnne Hammiltonis being oftymes callit and not compeirand," the sentence is to "denunce the saidis Andro and Johnne Hammiltonis, etc., and to escheit, etc." Andrew Stewart against Andrew Hamilton and John Hamilton.

Page 228. *Sederunt*—REGE PRESENTE—Joannes, Comes de Montrois; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 14th May.

New recitation, in words repeated from former entries, of the story of the Hamiltons, their concern in the murders of the two Regents, and their treasons afterwards. The Pacification of February 1572–3 is again quoted, with its remission and condonation of all political offences and treasons, except the murders of the Regents [*ante*, p. 147, footnote]; and there is again a full statement of Regent Morton's procedure in that matter by referring it to Queen Elizabeth of England, and of that Queen's advice that the matter should be left over for King James's own con-
Page 229. sideration when he should come of age. That time having now arrived, and the King having for a year been exercising the government himself, he has considered it his duty to God to take vengeance on "the saidis cruell and schamefull murtheris," inasmuch as "the saidis Pacificatioun and advise of his said dearest suster the Quene of England, nor na promeis contenit thairin, onywayis impedis the puneisment of the saidis murtheris aganis the personis culpable thairof." Besides, "be his Majesteis lawis and actis of Parliament, it is expreslie statute and ordanit that, gif ony man do treasoun aganis his persoun Majestie, or ryise in feir of weir aganis his Hienes, or ressett ony that hes committit treasoun, or supplie thame in help, red, or counsale, or stuffe the houssis of thame that ar convict of treasoun and hald thame aganis his Hienes, or that stuffis houssis of thair awin in furthering of his Majesteis rebellis, or that assailyeis castellis or places quhair his Majesteis persoun is or sal happin to be, without consent of his thrie Estaittis, salbe puneist as tratouris; Consistency of the procedure against the Hamiltons with the Pacification of Perth.

and that personis sclanderit or suspect of treasoun salbe tane and remane in firmance, and their guidis under suir borrowis, quhill the tyme that they have tholit ane assyise quhither they be quite or foule." Now what have John Hammiltoun, "sumtyme commendatar of Abirbrothock," and Claude Hamilton, "sumtyme commendatar of Paslay," the two persons believed to be chiefly culpable of the murders, been doing? "Moved be thair giltie consciences," they have been absenting themselves; and "they, and James, Erll of Arrane, thair eldar broder, being chairgit to have randerit and deliverit the castellis and houssis of Hammiltoun and Draffen, hes contempnandlie and treasonabillie dissobeyit his Majesteis charge, and stuffit and mantenit the saidis houssis with divers personis culpable of the saidis murtheris and utheris." They are thus actually risen in civil war, "and swa ar not onlie suspect and sclanderit of treasoun, bot in manifest actioun declairis thame selffis culpable thairof." All this considered, "his Hienes had and hes just and necessarie occasioun, according to his lawis and actis of Parliament, to command thair personis to be tane and apprehendit, to remane in firmance, and thair guidis to be put under borrowis and arreistment, quhill they have tholit ane assyise quhither they be culpable or innocent of the saidis treasonabill murtheris." His Highness, however, "heiring that his just and necessarie intentioun, allowed and thocht convenient to be done be his Hienes Privie Counsale, to be sinisterlie reportit of, as thoch his Majesteis intentioun war to revoik and call in dout the said haill Pacificatioun, he mynding na thing less," order is now given for the proclamation of the present statement at the market crosses of all the head burghs and other places needful, "that nane, upoun ignorance of his Majesteis meaning and intentioun, esteme or report utherwayis nor the truth is."

Acta 1577–79.

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Stirling Castle, 15th May.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Robertus, Comes de Lennox; Joannes, Comes de Montrois; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Further extension of time for bringing in the silver coins.

Recitation of the former Act of Council, of July 29, 1578, respecting the bringing in, stamping, and reissuing, before the 1st of March 1578–9, of the silver "threttie, twentie, and ten schilling pecis, with the testanis" [*ante*, pp. 17, 18], and of the subsequent Act extending the time for that process to the 1st of May, 1579 [*ante*, p. 100]; after which there follows a new deliverance on the subject, rendered necessary because, notwithstanding those previous Acts, "sindrie of his Hienes lieges hes not onlie abstractit the saidis pecis being in thair handis frome his Hienes cunyehous, bot als hes lettin the same pecis have cours as gif they hed bene brocht in to the cuneyhous upoun the first price contenit in the said Act, and sa not onlie obstinatlie hes dissobeyit and dissobeyis his Hienes

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Acta 1577-79. chairgis and commandimentis, bot intertenys a confusit and incertane treade of changing of the said money, quhairthrow it is impedit to have universale cours, according to his Majesteis actis and proclamationis." The deliverance now is that, "his Majestie and his Privie Counsale being credibillie informit that thair is a gude nowmer of the saidis pecis as yit unmarkit, quhilk stayit partlie be occasioun of the stormy wether that happanit this last wyntir and springtyme, and partlie in hoip to ressave gretar prices thairfoir upoun report of the reductioun of the alleyed money in fyne sylvir (as thoch the breking doun of the saidis pecis wald have bene permittit; quhilk his Hienes nor his Counsale nevir intendit, bot rather to diminische the price of sylvir, for the universale commoditie of his Hienes, his realme and subjectis)," therefore it is "thocht expedient and concludit that the werk of the marking of the saidis pecis sall yit be prorogat and induir quhil the first day of August nixt to cum." Proclamation to that effect is to be made at the market crosses of all the chief burghs, commanding "all and sindrie his Hienes lieges, havaris in thair handis of the saidis unmarkit pecis of the said sylvir money, that nane of thame tak upoun hand to offer or ressave the same unmarkit pecis in payment or exchange for further or gretar prices then they war first cunyeit,—that is to say, the xxx ß. pece for xxx ß., the xx ß. pece for xx ß., the x ß. pece for x ß., and the testane for v ß.,—under the pane of escheitting of the unmarkit pecis that salbe found offerrit or ressavit in payment for ony gretar prices, except sa mony as salbe presentit to our Soverane Lordis maister cunyeour; to quhome his Hienes hes gevin, and be the tennour heirof gevis, power and licence to pay thairfoir the prices contenit in the said first act and proclamatioun, providing that the haill be brocht in to the said cunyehous betuix and the first day of August nixt." The
Page 232. proclamation is likewise to "charge that na officiar of his Hienes cunyehouse, goldsmyth, meltar, or affynar, deforme, melt, affyne, allay or brek doun ony of the saidis pecis of sylvir money, eftir the forme and tennour of the auld Act of Parliament maid thairanent, under the pane to be execute to the death, as ane fals cunyeour;" and the wardens and assayers of the "cunyehous" are to be diligent in their duty of marking the coins, and registering the number daily brought in.

No disposition or promise to be made of the forfeited estates of the two Hamiltons.

"Forsameikle as it hes pleasit the Kingis Majestie, be advise of his Privie Counsale, to command the personis of Johnne Hammiltoun and Claude Hammiltoun, sonis to unquhile the Duke of Chastellaralt, and cheiflie culpable of the maist cruell and treasonabill murtheris of umquhile his Hienes dearest guidsire and uncle, the Erllis of Lennox and Murray, baith regentis to his Hienes, his realme, and liegis, for the tyme, to be apprehendit and prosequutit be justice, that they and thair complices culpabill of the saidis murtheris may ressave the just reward of thair weikit deservingis; and considering that the executing of his Hienes lawis aganis the saidis personis and thair complices, thair landis, levingis benefices, rowmes and possessionis, fallis in his Hienes handis, be ressoun

of escheit; quhairof gif other dispositioun or promeis of dispositioun sould be maid presentlie, it sould not onlie greitlie prejudge and hurt his Hienes proffeitt and commoditie, being drawin to gret and excessive chairgis be this present actioun, besydis that his rentis and patrimony of his croun is gretlie diminischit of befoir, and necessarlie requiris to be helpit and augmentit be this casualitie, sen the lyke will not oft occur; bot alsua considdering the perrell that his Hienes, in seamyng to gratifie sum privat personis (utheris thinking thame to have alswele deservit to be thairby disdanit and neglectit), his Hienes sall tyne the best and gretest part, thair being na possibillitie to satisfie all askaris: Thairfoir, and for eschewing of all inoportune craving, and that first his Majesteis awin necessitie, and consequentlie sic as hes best deservit, may be considderit and providit for as ressoun and gude discretioun allowis, his Majestie, be avise of the Lordis of his Secreit Counsale present, aggreing with the jugement of the remanent Lordis of his said Privie Counsale now resident at Hammiltoun, findis it expedient, declairis, and promeissis, that his Hienes sall nother mak dispositioun nor promeis of dispositioun of ony of the landis, benefices, rowmes, possessionis, or levingis quhatsumever, quhilkis pertenit and wer possest be the saidis personis culpable of the saidis murtheris, quhill the end of the nixt Parliament, that it may be first sene quhat is fallin to his Majesteis dispositioun be this occasioun and accident, and that thaireftir, with gude advise and deliberatioun of his Counsale, his awin necessitie and help, and consequentlie the gratifeing of thame that hes best deservit, may be considerit and providit for according to reasoun and gude discretioun, and as everie man in thair awin degre and qualitie hes deservit." Acta 1577–79 Page 233.

Stirling Castle, 19th May. Band by William Menteith of West Kerse.

Registration of a band, executed the same day, by William Menteith of West Kerse, appearing by his procurator Duncane Forrestar of Quenishauch, obliging him to present "Archibald Marschell, tennent in Alweth," before the King and Council, on six days' notice, to answer any charges that may be made against him, "tuicheing the lait persute of Capitane Andro Lambie, in his passing throw the Falkirk to Striviling, be Alexander and James Hammiltonis, sonis to Mungo Hammiltoun of Pardovin." [See *ante*, p. 126, 138.] The penalty is to be £200.

Stirling Castle, 20th May.

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

The Earl of Arran against his brothers, Lord John Hamilton and Lord Claud Hamilton.

"Anent our Soverane Lordis letters raisit at the instance of his richt traist cousing James, Erll of Arrane, Lord Hammiltoun, and Maisteris David Borthuik of Lochill and Robert Creychtoun of Eliok, his Hienes advocattis, for his interes, that quhair the present hard estait and miserabill conditioun of the said Erll is notorius, being maist wranguslie Page 234.

Acta 1577-79. and unnaturallie detenit in prissoun and thraldome in ane clois house within the castellis of Hammiltoun and Draffen, alias Cragnethane, without frie air or the honest cumpany of his freindis and weill willaris, and that be Lord Johnne Hammiltoun, commendatar of Abirbrothok, Lord Claude Hammiltoun, commendatar of Paslay, his brether, Robert Hammiltoun of Garen, and utheris in thair name, be thair causing, command, assistence, and ratihabitioun, his leaving in the menetyme intromettit with, uptakin and spendit be the said commendatar of Abirbrothok and his complices; off the quhilk his leaving the said Erll hes not sa meikle as meit, drink, and utheris necessaris, according to his estait and honour, nor yit is thair ony coist, travellis, or expenssis of the proffeittis of his said leaving maid within this realme or outwith the same to procuir unto him sic help and cuir for his diseis as mycht be had; bot his said brether possessis not onlie his leaving, bot alsua usurpis his office of shereffschip of Lanark, and frustrattis and debarris him purpoislie fra the benefitis of mariage and successioun, expreslie aganis Goddis law and the lawis of this realme. For, gif the said Erll war ane idiot or altogidder furious, as hes bene maliciouslie and untrewlie reportit of him sen the tyme of his langsum captivitie and impressoning, it become his Hienes to appoint him curatouris; and, gif he be, as God willing he salbe found, *compos mentis* and na idiot, he sustenis greit wrang to be sa lang keipit in prissoun and thraldome, without offence or cryme committit, be men havand na authoritie nor commissioun owir him. And, quhither he war idiot or not, he sould not be gude reasoun remane in the custody or keiping of his said brether or quhair he may command, nor yit may he be tutour, curatour, or administratour to the said Erll of the law, in respect he is the said Erllis eldest lauchfull broder and immediatlie to succeid to him, failyeing of him self and the airis lauchfullie to be gottin of his awin body. And, gif his Hienes suffer the said Erll langer to remane in his present captivitie and thraldome, it can nocht be without evident perrell of his innocent life, except his Hienes provide remeid. And anent the charge gevin to the saidis Johnne, commendator of Abirbrothok, Claude, commendatar of Paslay, Robert Hammiltoun of Garen, and all utheris havaris and detineris of the said Erll in prissoun and captivitie, to have exhibitit and presentit him befoir our Soverane Lord and Lordis of Secreit Counsale this day, and to have hard and sene him decernit be his Hienes and the saidis Lordis to be sett at libertie out of his present prissoun, captivitie, and custodie of his said broder, or quhair he may command, and sic ordour to be appointit for the said Erllis persoun and leaving in tyme cuming as justice and ressoun
Page 235. allowis, under the pane of rebellioun and putting of thame to the horne, or ellis to have allegit ane ressonabill caus quhy the samin sould not be done, with certificatioun to thame, and they failyeit, utheris letters sould be direct simpliciter to charge thame to the effect foirsaid, lyke as at mair lenth is contenit in the saidis letters, executioun and indorsatioun thairof: The saidis Johnne and Claude Hammiltonis and the said Robert Ham-

miltoun being oftymes callit and not compeirand, the Lordis of Secreit Counsale ordanis letters to be direct to officiaris of armes, shereffis in that part, chairging thame to pas and denunce the saidis Johnne Hammiltoun, Claude Hammiltoun, and Robert Hammiltoun, our Soverane Lordis rebellis, and put thame to the horne, and to escheit, etc."[1] Acta 1577-79

Order for breaking open a certain coffer in Stirling Castle, containing documents relating to the Lennox property.

Petition of the King's "dearest and onlie greit uncle, Robert, Erll of Lennox, Lord Dernlie," as follows:—"The onlie evidentis of the saidis erldome and lordschip being in the handis of Johnne Cunninghame of Drumquhassill, quhair they have remanit sen befoir the deceis of umquhile his Majesteis dearest guidsire, Matho, Erll of Lennox, Lord Dernlie, his Hienes Regent (alsweill in the tyme that umquhile Chairlis, Erll of Levinax, nevoy to the said Robert, Erll of Lennox, leavit and stude infeft in the said erldome be his Majesteis gift and dispositioun thairof, and sen his Hienes infeft his said dearest uncle thairin), and he having sutit and cravit the deliverie of the saidis evidentis, now pertening to him, fra the said Johnne Cunninghame of Drumquhassill," the answer he has received from Cunninghame is that they are "standand in ane coffer standand in the castell of Striviling, within ane chalmer sumtyme occupiit and possest be him, quhair presentlie he hes not acces." Moreover, Cunninghame's statement is that, even if he had access, he could not get at the documents, because the key of the said coffer had "bene send to England, and deliverit to his Hienes guidame, Lady Margaret, Countesse of Lennox, or the said umquhile Lord Chairlis, Erll of Lennox, hir sone, quhilkis baith being now departit this life, it is incertane at quhais handis to crave the said key." All this is unfortunate, because "the said Robert, now Erll of Lennox, hes sindrie actionis and caussis

[1] Spotswood, who had seen this Petition in the name of the insane Earl in the Council Books, and quotes phrases from it (p. 307), points out that it must have been a mere device or fiction of his Majesty's advocates, acting by instructions, in order to bring the Hamilton estates completely within grasp. As the Earl, in his incapable condition, could not be accused of any complicity with his brothers, "some colour of right behoved to be made;" and a petition from himself to be taken out of the charge of his brothers, and protected personally and in his property by the King, was thought a suitable means. It is possible, however, that the private custody of an insane Earl in those days may not have been of the gentlest kind; and one is touched by the helpless state now of this particular Earl, who had begun life so stirringly and with such promise as the son of the great Chatelherault. It was in 1560 that he had been recommended by the Scottish Protestants as a husband for Queen Elizabeth; it was in the next year that he had become hopelessly in love with Queen Mary, who had just returned to Scotland; and it was in March of the following year, 1562, that his reason had given way. Knox, who had seen much of him, and in whose "History" he is mentioned often, was among the first to perceive the fact of his madness. He had been alarming the Queen and Court with an extraordinary story of a conspiracy against her by his own father, Bothwell, and others, when Knox, as he himself tells us, "did planelie foirwarne the Erle of Murray that he espyed the Erle of Arran to be stricken with phrenesy, and thairfoir willed not oure great credytt to be gevin unto his wordis and inventionis. And, as he advertised, so it cam to pass; for within few dayis his seaknes increased; he devised of wonderouse signes that he saw in the heavin; he alledged that he was bewitched; he wold have bene in the Queenis bed, and affirmed that he was hir husband; and, fynallie, he behaved himself in all thingis so foolishelie that his phrenesy could not be hyd" (Knox, ii. 328, 329). He had been under guard ever since then, and his mania had sunk into idiotcy.

Acta 1577–79. of greit importance, tuicheing the heretabill richt of sindrie landis and possessionis of the saidis erldome and lordschip, depending in proces of law, and, having maid divers warningis for redemptioun of the landis thairof agane this nixt Witsounday, can have na proces nor expeditioun thairanent without the saidis auld evidentis deliverit unto him."—There had, accordingly, been due summons to Cunninghame to appear, and
Page 236. open the said coffer, or see it broken open, and "the saidis evidentis and guidis sichtit and inventariit be sic as commissioun sould be gevin unto to that effect, and the same or sa meikle thairof as concernis or belangis to the said Erll of Lennox deliverit unto him;" and now, the said Cunningham not appearing, the decree is that the coffer be broken open, and the contents dealt with as aforesaid, the King's commissioners for so doing to be "his richt traist cousingis and counsallouris, Coline, Erll of Ergile, Lord Campbell and Lorne, Robert, Erll of Buchane, Lord Glendovachie, Andro, Lord Stewart of Uchiltrie, Robert, Commendatar of Dumfermling, his Hienes Secretar, Adam, Commendatar of Cambuskynneth, and Sir Williame Murray of Tullibardin, knycht, Comptrollar to our Soverane Lord, or ony twa of thame conjunctlie."[1]

To denounce Robert Maxwell.

Order for denouncing and putting to the horn, Robert Maxwall, brother natural to Johnne, Lord Maxwall, for not appearing this day to answer charges against him [see *ante*, p. 134].

New order against Cunningham of Drumquhassel in the matter of an old debt left by Regent Lennox.

Refers to the former decree of Council, of April 25, requiring Johnne Cunninghame of Drumquhassill to pay to James Neisbet, burgess of Edinburgh, £500, in discharge of a debt, contracted in 1566, by the King's grandfather, Matho, Earl of Lennox [*ante*, p. 145]. The decree had ordered payment within three days; but execution of it had been stopped,
Page 237. "quhill the xx day of Maii instant, upoun sute and promeis maid in name of the said Johnne Cunninghame, that he sould compeir personalie, and mak his comptis of his intromissioun with the rentis of the erldome

[1] On the death of the King's grandfather and Regent, Matthew, Earl of Lennox, on the 4th of September 1571, the Earldom, which would have come to the King's father, Lord Darnley, had he been alive, had fallen properly to the King himself as next heir. It had been bestowed, however, on his uncle Charles, Earl Matthew's younger son, Darnley's surviving brother. This Charles Stewart, Earl of Lennox, having died in London in 1576, still a young man, there had been a second disposition of the Earldom, dated June 16, 1578, in favour of the present holder, the King's great-uncle, Robert Stewart, Earl Matthew's brother. He had been titular Bishop of Caithness from 1543; had been mixed up with affairs in Mary's minority; had been in exile for some time with the rest of his family; had returned to Scotland with them in or about 1563, and had then turned Protestant; and, after having seen through the troubles of the last years of Mary's reign, and the beginning of the next, he was now a veteran in the Privy Council of his nephew James. The "Margaret, Countess of Lennox," mentioned in the entry as deceased, was the King's grandmother, Regent Matthew's widow, originally Margaret Douglas, sole daughter of the English Margaret, sister of Henry VIII., by her marriage with the Earl of Angus, after the death of her first husband, James IV., at Flodden. She had recently died in England, where she had estates through her mother, and had been buried in Westminster Abbey.

of Levinax and lordschip of Dernlie, befoir the auditouris appointit to that effect, this present xx day of Maii instant." Cunninghame, often called, makes no appearance; but "at last compeirit in his name Umphra Cunninghame, commissar of Striviling, his broder, quha allegit that the auditouris appointit for heiring of the said Johnnis comptis culd not, nor sould not, proceid thairin, in respect the haill nowmer appointit ar not present. To the quhilk it wes answerit be Sir Williame Murray of Tullibardin, knycht, compttrollar to our Soverane lord, that the Kingis Majestie mycht and may mak utheris auditouris to the heiring of the saidis comptis at his plesour, the said Johnne compeirand personalie to that effect." The decision, accordingly, is that letters go forth for the execution of the former decree, by payment of the money to Neisbet, "without forder delay," and by the production by Cunninghame of his accounts before such auditors as the King and Council may appoint. Acta 1577-79.

Examination of William Henryson postponed.

Williame Henrysoun, "sumtyme constable depute," appearing personally, as required, to answer "to sic thingis as sould be inquirit of him," his examination is continued to the 20th July [*ante*, p. 102].

Band for the production of William Armstrong of Tarsumhill.

Registration of band of cautioun, executed at Drumfreis on the 7th of May, to the following effect:—It has pleased the King and Council, "upoun the requeist and desyir of Cristie Armstrang of Barngleis, to lett Williame Armstrang of Tarsumhill, his plege, now lying in keiping with the Lard of Fyntrie for him, his kin, freindis, tennentis, and servandis, contenit in the buke of plegeing (except sa mony as my Lord Maxwall hes tane of his heid), hame, under conditioun and promeis that the said Cristell sall answer and caus his saidis kin, freindis, tennentis, and servandis, keip gude ordour, and mak detfull answer to my Lord Hereis, now warden of the West Marchis of this realme, or to ony utheris wardanis or justices that sal happin to have the keiping of the said wardanrie for the tyme." Accordingly, "gif it sall pleis the Kingis Hienes and Counsale to require the warden of the said West Marchis for the tyme to caus the said Cristell entir the said Williame Armstrang of Torsomehill, as plege foirsaid, in that cais the said Cristell, as principall, Edward Irvin of Bonschaw, and Mungo Johnestoun of Lokarbie, as cautioneris and souirteis for him, bindis and oblissis thame, conjunctlie and severalie, thair airis or assignayis," to see the command fulfilled; "quhilk failyeing, Cristie Armstrang or Rob Armstrang, sonis to the said Cristie, to remane in plege and keiping for him," in any appointed place, "upoun fyftene dayis warning, under the pane of twa thowsand pundis usuale money of Scotland." This band had been executed at Drumfreis, "befoir Robert Johnnestoun, persoun of Lochmaben, Edward Hereis of Knokschynnoch, Mr Thomas Maxwall, and Petir Turnour, with utheris diverse," and signed by the principal cautioner, "Cristell Armstrang of Barngleis," and one of the other cautioners, "Edward Irvin of Boneschaw," both by the hand of "Harbert Andersoun, notar," as their Page 238.

Acta 1577–79. proxy, the third cautioner, "Mungo Johnnestoun in Lokarbie," signing with his own hand.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Levinax; Joannes, Comes de Mar; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Joannes, Dominus Maxwall; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Magister Georgius Buchannane; Computorum Rotulator; Justiciarius Clericus. Stirling Castle, 22nd May.

Thanks and Exoneration to Morton, Angus, and other six of the Privy Council for the discharge of their commission against the Hamiltons.

"The quhilk day, in presens of the Kingis Majestie and Lordis of Secreit Counsale, compeirit personalie his richt traist cousingis and counsallouris, Page 239. James, Erll of Mortoun, Lord of Dalkeith, Archibald, Erll of Angus, Lord Dowglas and Abirnethie, Johnne, Erll of Mar, Williame, Lord Ruthven, thesaurar, and Allane, Lord Cathcart, and producit ane commissioun gevin to thame and utheris nominat thairin be his Majestie with avise of the saidis Lordis of his privie Counsale, quhairof the tennour followis."—There is no need to quote more of the document here, as the whole is already printed in the Acts of Parliament (iii. 159–162), as incorporated into an Act of Nov. 11, 1579, entitled "*Approbatioun of the Proceidingis of the Nobilmen that execut the Kingis Majesties Commissioun at Hammiltoun and Draffen.*" The document consists of two parts:—(1) A verbatim copy of the elaborate Commission, dated at Stirling, May 1, 1579, to Morton, Angus, Mar, Eglinton, Ruthven, Boyd, and Cathcart, to proceed against the Hamiltons to the last extremity [*ante*, p. 150, foot-Pages 240–2. note]; and (2) An Exoneration and Discharge to them for all they have done in the exercise of that Commission to the present date.[1]

[1] As the time of this entry shows, and also the fact that Morton, Angus, Mar, Ruthven, and Cathcart, five of the eight Commissioners against the Hamiltons, were back in Stirling, the business with the two brothers was now completely over. Though it had been expected that the sieges of the castles of Hamilton and Draffen might be protracted through the year, and might require a relay of levies from all parts of the kingdom (*ante*, p. 153), the single month of May, with what forces were at hand, had sufficed. Partly this may have been because the two brothers themselves had not waited to run the risk. "The Lord [John] Hamilton, going on foot through the most part of England, in the habit of a seaman, fled into France; Lord Claud, after he had lurked a while amongst his friends at home, found refuge in the north parts of England" (Spotswood, p. 307). Hamilton Castle, defended by Arthur Hamilton of Myretoun, had to surrender unconditionally to Morton and Angus; and the governor and garrison were brought to Stirling and hanged. Draffen Castle was abandoned by its garrison; and the insane Earl of Arran, coming into the hands of the Government, was treated as responsible for the attempted defence, and was sent to Linlithgow, with his mother, the Duchess of Chatelherault, to be under the charge of Captain Andrew Lamby, a rough soldier, of whom there are not a few mentions in this Register, and who was a determined enemy to the Hamiltons. The eight Commissioners had amply done their work between May 1 and May 22; and the business of the reunited Council at Stirling, for a good while hence, was to consist in dealings with the estates of Arran,

[Minutes of Council Proceedings at Hamilton.] Acta 1577–79.

"Followis certane actis and suirteis ressavit at Hammiltoun be the Lordis of Secreit Counsale thair resident be virtew of our Soverane Lordis commissioun, quhilkis ar omittit in thair awin places."[1] Page 252.

Hammiltoun, 9th May.

Caution for James Crawfurd.

"The quhilk day Gawen Craufurd, younger, of Ferme, become actit and obleist as cautionar and souirtie for James Craufuird, his sone and appeirand air, to entir and present the said James personalie befoir our Soverane Lord and Lordis of his Hienes Secreit Counsale as the said Gawen salbe requirit thairto, upoun aucht dayis warning, under the pane of ane thowsand pundis. Sic subscribitur: Gawen Craufurd, fiear of Fermis."

Hammiltoun, 10th May.

Caution for Arthur Hamilton.

Caution, as in last entry, by James Robertoun of Ernok, for the appearance, under the same penalty, of "Arthour Hammiltoun, sone to umquhile Arthour Hammiltoun of the Heleis," with security in the form of an engagement of Patrik Hammiltoun, burgess of Hammiltoun, to relieve Robertoun of any risk he may incur.

Hammiltoun, 20th May.

Caution for Gavin Hamilton.

Caution by Robert Dalzell of that Ilk for the appearance of "Gawen Hammiltoun, callit the Shereffis Gawy," on 15 days' warning, under pain of 2000 merks, the Earl of Angus undertaking to relieve Dalzell of his risk. Page 253.

Caution for Alexander Hamilton.

Identical caution by Johnne Levingstoun, younger, of Denypace, for "Alexander Hammiltoun, sone to the Gudman of the Haggis," the Earl of Mar undertaking for Levingstoun's relief.

Caution for James Hamilton.

Identical caution, save that the penalty is only 1000 merks, by the same Johnne Levingstoun of Denypace, with the same backing of the Earl of Mar, for "James Hammiltoun, the page."

Lord John and Lord Claud, and in prosecuting all of the name of Hamilton. It is not unworthy of notice that George Buchanan was one of the sederunt in this Council meeting. He had been absent from Council meetings for a good while, his last recorded appearance having been on the 28th of October.

[1] This direction, and the eleven following paragraphs, do not come in quite at this point in the Register, but a little farther on. The present, however, is the proper place for them. They are minutes of some of the proceedings of those of the Councillors who had gone to Hamilton to besiege the castle. Morton, Angus, Mar, Eglinton, Ruthven, Boyd, and Cathcart, it seems, sat at Hamilton as a Council when they chose; and they brought back such minutes of what they had done as they thought it well to have transcribed into the regular Council Books at Stirling.

cta 1577-79.

Caution for MacCall and others.

Similar caution by Thomas Kennedy of Bargany, for the appearance of "Thomas M°Call, broustar, George Makcall, his sone, and James Bissett;" the two former under pain of 2000 merks, and the last under pain of 500 merks.

Caution for persons apprehended in Hamilton Castle.

Cautions for appearances, on fifteen days' warning, each under the pain of £1000, as follows:—Robert Bruce of Clakmannane, for Archibald Bruce; James Colvile of Eistir Wemys, for Williame Forret; James Robertoun of Ernok, for Robert Hammiltoun of the Quham; the said James Robertoun of Ernok, for Johnne Spittell in Hammiltoun; the said James Robertoun, for Andro Hammiltoun in the Quham.

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Caution for others apprehended in Hamilton Castle.

Caution by James Robertoun of Ernok for the appearance, on fifteen days' warning, of the following persons:—Willie Lappie, the fiddler, under pain of 500 merks; Robert Hammiltoun of the Corse, under the pain of 2000 merks; James Hammiltoun, his son, under the pain of 500 merks; and Wattie Hammiltoun, "foster in the wod," under the pain of 1000 merks.

Caution for Hamiltons and others.

Similar cautions as follows:—James Somervile, younger, of Cambusnethane, for Alexander Hammiltoun in the Heleis, penalty £1000; Johnne Wallace of Craigie, for Johnne Hammiltoun in Mirretoun, penalty 1000 merks; Gawen Lokart of Kirkwod, for James Lokart, penalty £1000; and Patrik Drummond, younger, of Carnok, for Gawen Hammiltoun, servant to Alexander Hammiltoun of the Haggis, penalty 500 merks.

Caution for James Baxter.

Similar caution by Captain David Hume of Fischewik and James Dowglas of Todhollis, conjointly and severally, for the entry of James Baxter, under the pain of 2000 merks, Johnne Kneland of the Fosken and the said James Baxter obliging themselves to relieve the said cautioners.

Hammiltoun, 21st May.

Caution for the Castle of Draffen.

"The quhilk day James Hammiltoun of Libertoun, as principall, and Johnne Kennedy of Blairquhan and Johnne Mure of Annastoun, as cautioneris and souirteis for the said James, become actit and obleist, conjunctlie and severalie, that the castell and fortilice of Draffen, committit to the custody and keiping of the said James Hammiltoun, salbe deliverit, immediatelie upoun our Soverane Lordis requisitioun, to be dimolischit, under the pane of ten thousand pundis; and the said James obleist him and his

airis to warrand and releif his saidis cautioneris of the premissis and of all pane and danger that they sal happin to sustene thairthrow. Sic subscribitur: James Hammiltoun of Libertoun; Johnne Kennedy of Blairquhan; Johnne Mure of Annestoun, with my hand at the pen led be Johnne Andro at my command, becaus I cannot write.—Joannes Andro." Acta 1577–79. Page 255

Stirling Castle, 25th May.

Sederunt—Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator.

Farther order in the matter of Lord Maxwell and the Armstrongs.

Recitation *verbatim* of previous order, of April 11, in the matter of Lord Maxwall and the "Armstrangis of the Gyngillis and thair complices" [*ante*, p. 133], with addition to this effect:—"And now, his Majestie and Lordis of Secreit Counsale willing to declair thair advise and order, the saidis Johnne, Lord Maxwall, and Johnne, Lord Hereis, wardane of the West Marche, being personalie present, with Archie Ellot, sone to Ringhanis Will the portar, as alsua George Armstrang of Arkiltoun, and Aly Armstrang, sone to Andro Armstrang of the Gyngillis, being alsua personalie present, thair ressonis and allegationis being hard and understand to his Hienes and his said Counsale, and they ripelie avisit thairwith, the Kingis Majestie and Lordis of Secreit Counsale ffindis it expedient, advisis, and ordanis the said Johnne, Lord Maxwall, to ressave and accept the offer of Archie Armstrang and George Armstrang of Arkiltoun, brether, Andro Armstrang and Thome Armstrang of the Gingillis, brether, with the rest of thair brether sonis, and freindis, specialie quhair they offer thameselffis, thair guidis and geir, to the said Lordis dispositioun upoun at his plesour, thair lyffis being saulffit, and ordanis the said Lord Maxwall to tak sic ordour with thame as he may be answerabill for thame as his remanent tenentis, for releif of our Soverane Lord and his wardane, and for redres of his Hienes subjectis planteris, as accordis of justice." Page 243.

Submission of Armstrongs and Elliots.

"The quhilk day George Armstrang of Arkiltoun and Alie Armstrang, sone to Andro Armstrang of the Gingillis, for thameselffis, and in name and behalf of the remanent of thair branche, kin, and freindis, thair parttakaris, on the ane part, and Archie Ellot, sone to Ringanis Will Ellot the portar in Glenvoren, for himself and in name and behalf of the remanent of his branche, kin, and freindis, his parttakaris, Ellottis of Ewisdaill, on the uther part, submittit thameselffis to the jugement and ordour of our Soverane Lord and Lordis of his Privie Counsale, anent all deidlie feid, quarrellis, questionis, and contraverseis quhatsumevir standing debaittable amangis thame, and promist to obey thair declaratioun and Page 244.

Acta 1577-79. jugement, without reclamatioun, appellatioun, or contradictioun quhatsumevir.

Protest by Carmichael, the younger, of that Ilk.

Protest by John Carmichaell, younger, of that Ilk, that, inasmuch as "Archie Ellot, sone to Ringanis Will the porter of Glenvoren, had compeirit personalie befoir the Kingis Majestie and Lordis of Secreit Counsale this day," he is to be relieved of his surety given for the said Archie and others [*ante*, pp. 76, 77].

Submission by Will Armstrong of Kinmont, for himself and his kin.

Submission, in similar terms to those of the entry before last, by "Will Armstrang, callit Will of Kynmonth, for himself and all the personis contenit in his bill," in respect of "all deidlie feid, quarrellis, questionis, and contraverseis standand betwix him and Thomas Turnbull of Beddroule, knycht, and utheris of the surname of Turnbull."

Submission of certain Armstrongs and others.

Submission, in similar terms, by "Cristell Armstrang of Barngleis, callit Johnnis Cristie, for himself, Johnne Armstrang of Hoilhous, his sone, Johnne Armstrang in Thornyquhat, Cristie Cavert, and utheris his men, tenantis, servandis, and dependeris," in respect of all feud or quarrel with the same "Thomas Turnbull of Beddroule, knycht, and utheris of the surname of Turnbull."

Caution by Lord Herries.

Caution by Lord Hereis, Warden of the West Marches, for the reproduction, on 15 days' warning, of "Adie Crossar, callit Megottis, now being in ward within the castell of the Traif," under the penalty of £500; in
Page 245. consideration of which caution, the Lords order "letters and warrand to be direct to the capitane, constabill, and keiparis of the castell of the Traif, to deliver the said Adie Crossar to the said Johnne, Lord Hereis, to be kepit or sett at libertie be him as he sall think gude."

Order for rapid dispossession of fugitives and outlaws on the Borders.

"Forsameikle as be the lawis, actis of Parliament, and generall bandis, the landislordis and baillies of all landis specialie lyand on the Bordouris ar obleist to enter and present thair men, tenentis, and servandis duelland on thair landis and baillieries to underly the lawis for sic crymes as they sal happin to be suspectit and delatit of, or, in cais they be fugitive, to put and hald thame, their wyffis, bairnis, and guidis, out of the landis, stedingis, and rowmes, occupiit be thame, under greit panis speciffiit in the actis and bandis maid thairanent,—quhairin litle exact diligence hes bene done in tyme bigane, be ressoun the saidis landislordis and baillies hes stand in dout to remove the saidis personis fugitives, fearing to incur the danger of ejectioun quhair na warning is usit aganis thame; but, seing the delay of the executioun of the saidis actis and generall bandis is gret stay and hinderance to justice, and encourageing of thevis and weikit personis to continew in thair mischievous deides, thairfoir our Soverane Lord, with avise of his said privie Counsale, findis and declairis that quhenevir ony personis ar lauchfullie and ordourlie denuncit fugitivis

for contempt and inobeydience to the lawis, sa sone sall it be lauchfull to the saidis landislordis or baillies to remove thame and put thame and hald thame of thair landis and baillieris, and to place and put utheris tennentis thairin, without cryme, pane, or danger to be incurrit be the saidis landislordis and baillies thairthrow, notwithstanding that na warning is usit be thame; and that ane article be formit and presentit heiranent to the Estaittis of the nixt Parliament, for establisching of ane perpetuall law heiron in dew forme as effeiris." Acta 1577-79.

Adjourned case of Lord Maxwell's tack of Lochmaben.

Resumed consideration of the claim of Lord Maxwall, adjourned on the 11th of April last, when he had produced "certane takis maid to the said Lordis guidsire and himself of the Castell of Lochmaben, landis, proffeittis, and fischingis belangand thairto" [see *ante*, p. 134]. His claim then made is recited at length; and, "the saidis Johnne, Lord Maxwall, and Johnne, Lord Hereys, compeirand bayth personalie," the matter is debated. In the first place, Lord Maxwall demanded "that, befoir he be prejudgit thairof, he may have the ordour of the law observit to him,—that is, to be lauchfullie summond befoir a juge competent,—and, gif ony thing be presentlie proceedit aganis him to the contrary, protestit for remeid of law." His protest is ignored; for "the Kingis Majestie and Lordis of his Secreit Counsale be interloquutour findis thameselffis judges competent to the said mater in the state that is presentlie persewit and dependis befoir thame." Accordingly, "having thairwithall considerit the privilege grantit to his Hienes be the lawis of this realme and actis of Parliament, in putting to his hand to his awin propertie, and that the capitanereis and keiping of his Hienes castellis and houssis aucht not to be sett for lang takis, bot the keiparis thairof removed at his Hienes guid plesour," the Council "findis, declairis, and decernis that the letter of tak or commissioun maid be his Hienes in his minoritie, with avise of James, Erll of Mortoun, lord of Dalkeith, regent to his Hienes, his realme, and liegis for the tyme, of the said castell of Lochmaben, landis, proffeittis, and fischeingis belangand thairto, fallis and cummis under our Soverane Lordis revocatioun foirsaid, and that the same letter of tak and commissioun had nor hes na forther strenth, force, nor effect, eftir the dait of the Act of his Majesteis revocation, quhilk wes upoun the xxiiii day of Januar last bipast" [*ante*, p. 89]. It is therefore ordained that the preceding order of February 16, commanding the tenants of Lochmaben to pay the profits and duties to Lord Hereis or his agents, "sa far as wes restand untaikin up or intromettit with be the said Johnne, Lord Maxwall, the tyme of the said revocatioun, upoun the said xxiiii day of Januar last bipast" [see *ante*, p. 94], was "lauchfullie and weill grantit," and that the same shall "have further executioun, notwithstanding ony allegeance maid be the said Johnne, Lord Maxwall, to the contrary." Page 246.

Order for denouncing nine Hamiltons.

Order for denouncing and putting to the horn and to escheat these following persons:—"Gawin Hammiltoun of Raploch; Robert Hammil- Page 247.

Acta 1577-79. toun of Dalsarf; Andro Hammiltoun of Heleis; Andro Hammiltoun, his sone, thair; Johnne Hammiltoun of Schawtoun; Johnne Hammiltoun in the Park, sone to James Hammiltoun of Wodhall; David Hammiltoun of Boithuilehauch; Robert Hammiltoun of Lethame; Robert Hammiltoun, sone to the gudman of Pedderrisburne in Glasgow,"—because they have neglected the charge previously given them to appear and answer any charges against them.

Caution for twelve Hamiltons and another.

Caution by the following sureties for the following persons of the name of Hammiltoun, "that they sall contene thameselffis as faithfull and obeydient subjectis to our Soverane Lord and his authoritie, and on na wayis ressett, supple, intercommoun, or schaw favour to Johnne, sumtyme Commendatar of Abirbrothok, and Claud, sumtyme Commendatar of Paslay, nor to ony utheris thair complices," and also that they shall appear personally before
Page 248. the Council, if required, on 15 days' warning:—"Andro Hammiltoun of Lethame (quha confessit himself xxii. yeiris of aige), cautionar and souirtie for Andro Hammiltoun of Goslingtoun, knycht," penalty £2000; Hew Wallace of Carnell "for Andro Hammilton of Parkheid," penalty 500 merks; Robert Dalzell, younger, of that Ilk, "for Gilbert Hammiltoun, broder to Gawen of the Roploch," penalty 500 merks; Robert Maxwall of Calderwod "for Robert Hammiltoun of Torrens," penalty 1000 merks; Hew Ralstoun of that Ilk "for Maister James Hammiltoun of Neillisland," penalty 500 merks; James Craufurd in Kipbyir, "for Alexander Hammiltoun in Skalletoun," penalty 500 merks; Robert Maxwall of Calderwod and Robert Lyndesay of Dunrod "for James Hammiltoun of the Hagis," penalty £1000; Robert Maxwall of Calderwod "for Johnne Hammiltoun, broder to the gudman of the Haggis," penalty 1000 merks; Peter Cornwell of Ballinhard "for Gawen Hammiltoun of the Hill," penalty 1000 merks; Robert Dowglas of Stanypeth "for James Hammiltoun of Wodhill," penalty 2000 merks; John Dumbar of Barmure "for Johnne Hammiltoun of Pedderrisburne," penalty 500 merks; Hew Wallace of Carnell "for Johnne Hammiltoun of Orbistoun," penalty £1000; James Glen of the Bar "for Johnne Craufurd, younger, of Rossilloch," penalty 1000 merks.

Entry of prisoners by Robert Erskine of Dun.

Presentation before the Council by "Robert Erskin, fear of Dun," of the following persons:—"Johnne Stewart, broder to James, Lord Innermeith, George Crawmound, James Dun, Alexander Spalding, Thome Croill, Robert Roger, Andro Langlandis, Johnne Langlandis, James Fyff, and James Makie"—all of whom had been "apprehendit and takin be Johnne Erskin of Dun and the said Robert, his sone, furth of the house of the Reidcastell in Angus, conforme to the Kingis Majesteis commissioun and warrand" [*ante*, pp. 154–6]. Erskin notifies that he and his father have done their duty therein; and the notification is admitted.

Order for committing "Johnne Stewart, broder to James, Lord Inner-

Order for the custody of the last-mentioned ten persons.

meith," of the last entry, to the custody of Robert, Earl of Lennox, and the other nine to the custody of Coline, Earl of Ergyle, "quhill justice be execute upoun thame, conforme to the lawis of this realme, or that further warrand be gevin in this behalf." Acta 1577-79. Page 249.

Stirling Castle, 26th May.

Sederunt—Domini ut in die predicto.

To denounce James Muirhead.

Order for denouncing and putting to the horn, at the market cross of Lanark and other places, James Mureheid of Lauchope, for having failed to appear, according to summons, to answer charges against him.

Caution for twelve persons, that they will not abet the Hamiltons.

Caution as follows for the obedience of the persons named as principals (appearing personally and becoming personally liable), and especially for their non-complicity with the two rebel Hammiltons, "Johnne, sumtyme Commendatar of Abirbrothok, and Claude, sumtyme Commendatar of Paslay," and for their re-appearance within 15 days, if required, to satisfy the Council in that matter:—"Robert Lyndesay of Dunrod, cautionar and souirtie for Thomas Inglis of Murdestoun, under the pane of ane thowsand merkis;" the same "Robert Lyndesay of Dunrod" for "James Robertoun of Ernok," penalty 1000 merks; "Sir Johnne Gordoun of Lochinvar, knycht," for "Williame Baillie of Lamyngtoun," penalty £2000; "Matho Stewart, younger, of Mynto," for "Williame Kneland of that Ilk," penalty 1000 merks; "Robert Mure of Caldwell" for Johnne Quhitfurd of Mylnetoun and Adame Quhitford, his sone," penalty for each 1000 merks; "Johnne Dumbar of Barmure" for "Williame Hammiltoun of Sanquhar," penalty £2000; "Robert Lyndesay of Dunrod" for "James Hammiltoun of Torrens," penalty 500 merks; "James Stewart of Cardonald" for "Williame Hammiltoun of Portmolcot," penalty 500 merks; "Johnne Boiswall of Afflek" for "Thomas Hamiltoun of Monktonhill," penalty 500 merks; "William Levistoun of Jereswod" for "Mungo Lokart of Cleghorne," penalty 1000 merks; "Robert Bruce of Kennet" for "Johnne Hammiltoun of Drumry," penalty £1000. Page 250.

Caution for persons concerned in the siege of Redcastle.

Caution by "Maister James Ogilvie of Balfour," personally appearing, for "James Gray, persoun of Kynnell;" also by James, Lord Ogilwie, for "Johnne Ogilvie, younger of Innerkelour, Patrik Gray, servand to the said James Gray, Johnne Durhame, Maister Thomas Gray, Alexander Gray, James Rind, Henrie Maxwall, and Johnne Ramsay;" also by "Patrik Quhitlaw" for "Ephrame Quhitlaw." The obligation of the sureties is to present the persons cautioned for before the King's justice or his deputies, in the tolbooth of Edinburgh, on the 23d of the following August, "to underly the law for asseageing of the castell and fortilice of Reidcastell without commissioun," and for other offences, under the penalty of £500 each for Gray and Ogilvie, and of £100 each for the others.

"The Kingis Majestie and Lordis of Secreit Counsale considdering the gret

Acta 1577-7 . pane and fascherie quhilk they sustene be sitting dalie in the Privie Counsale throw the occasioun of dyettis sett upoun the complaintis of partiis, thairfoir his Majestie, with avise of his said Secreit Counsale, thinkis meit and expedient that his said Secreit Counsale sall onlie sitt upoun thre dayis in the oulk, that is to say, Tyisday, Thurisday, and Setterday; and all dyettis at the instance of partiis to be sett to they dayis peremptourlie in tyme cuming." Regulation for future sittings of Council.

Warrant to Lord Hereys, Warden of the West March, to accept such surety as he may think expedient "for the re-entrie of Edward Armstrang, sone to Lang Andro of the Hairlaw, now lyand in the plege chalmer of Drumfreis," and to set the said Edward at liberty when the surety is found. Warrant to Lord Herries.

Page 251. *Sederunt*—Domini ut in die predicto. Stirling Castle, 28th May.

"The Kingis Majestie and Lordis of Secreit Counsale, understanding the inconvenientis and hinderance of justice dalie occurring throw the cuming of partiis to Justice Courtis with gret convocatioun of thair freindis armit, thairfoir hes thocht expedient, and commandis his Hienes Justice, Justice-Clerk, Thesaurer, and thair deputis, that quhenevir ony partiis repairis to the cheif saitt of justice, or uther rowmes quhair the justice or his deputis sal happin to mak residence, with gret convocatioun, or armed, or quhenevir they cum in ony tumultis or disorderit maner to the bar, that than his Hienes officiaris, at thair gude discretioun, caus continew the dyett fra ilk day to the nixt day, quhill the said convocatioun be scaillit, armour left of, and that the partiis offer thameselffis obeydientlie to underly the lawis as becumis dewtifull subjectis." Order against convocation of parties armed to Courts of Justice.

"The quhilk day the Kingis Majestie and Lords of Secreit Counsale ordanis his Hienes Thesaurer and Advocattis to caus rais letters and persew for all slauchteris, convocationis, and utheris odius crymes, committit sen his Hienes acceptit the governament of his realme in his awin persoun, and in tyme cuming, for the puneisment of enormiteis, and furthering of his Hienes commoditie, althoch the partiis insist not, bot remane silent, as they will answer thairupoun." Order for the resolute pursuit of slaughters and other crimes.

Prohibition of all persons "to schute in the park of Striviling with corsbow, handbow, or culvering, cheiflie during the present seasoun of fownyng of the deir." Shooting in Stirling Park.

Order that all persons of the surname of Hammiltoun, and others their dependents, already summoned to appear at certain particular days to answer charges against them, shall be allowed, on due appearance, to give in surety; such as do not appear "to be put in the summondis of treasoun agane the nixt Parliament." Order concerning Hamiltons summoned.

Goods of Sir James Balfour and others.

Order to the King's Treasurer "to caus intromet with the leavingis and guidis of Sir James Balfour, sumtyme of Pettindreych, knycht, and all utheris personis standing alreddy convict and forfaltit for the murthour of the King his Hienes fader and regentis.[1] Acta 1577–79. Page 252.

The Hamiltons and the next Parliament.

"The Kingis Majestie, with avise of the Lordis of his Hienes Privie Counsale, hes declairit and declairis that it is onlie his Hienes will and meaning to proceid be forfaltour at his nixt Parliament aganis sa mony of the surname of Hammiltonis, thair followaris and dependaris, as war suspectit and delaittit of the murtheris of the King his Hienes dearest fader and regentis, and nane utheris, at his said nixt Parliament."

Stirling Castle, 1st June.

Sederunt. [Not entered.] Page 255.

Lords John and Claud Hamilton denounced.

"Anent the charge gevin be vertew of our Soverane Lordis letters to Johnne Hammiltoun, Commendatar of Abirbrothok, and Claude Hammiltoun, Commendatar of Paslay, to have compeirit personalie befoir his Hienes and Lordis of Secreit Counsale at ane certane day bigane, to have answerit to sic thingis as sould have bene inquirit of thame at thair cuming, tending to his Hienes obeydience and commoun quietnes of this realme, under the pane of rebellioun and putting of thame to the horne; with certificatioun to thame, and they failyeit, utheris letters sould be direct simpliciter to put thame to the horne, and to escheit and inbring all thair movabill guidis to his Majesteis use for thair contemptioun, lyke as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof: quhilkis being callit, and the saidis Johnne and Claud Hammiltonis not compeirand, the Lordis of Secreit Counsale ordanis letters to be direct to officiaris of armes, the kingis shereffis in that part,

[1] In that famous Pacification of Perth, of February 1572–3, which was now so much in the minds of the Privy Council, a distinction had been made between two classes of the persons forfaulted for their past offences in the civil wars. There was a general indemnity for all back to the 15th of June 1567, with the peculiar and postponed exception of those who could be proved to have been concerned in the murders of Regent Murray and Regent Lennox; but there was much greater strictness as to offences before June 15, 1567. The reason was that beyond that date (the date of the capture of Queen Mary at Carberry) there lay the murder of the King's father, Lord Darnley, and all the terrible sequel of the Queen's connection with Bothwell. There could be no forgivenness for concern in those transactions; and so it was provided in the Pacification that, though there should be remission also on application for crimes "preceding the said xv day of Junii 1567," the murder of the King's father and all other murders, fire-raising, &c., connected therewith, should be rigidly excepted. It was natural, accordingly, that the Government, at a time when they had revived, in the case of the two Hamiltons, the dubious exception to the indemnity back to June 15, 1567, should remember also the far more emphatic exception to indemnity for offences before that date. Now, the present Sir James Balfour, sometime of Pittendreich, was under the blackest of marks in this retrospect. There will be a better opportunity for explaining the particulars when he reappears in the Register some time hence; enough to state now that he was regarded as almost the prime agent with Bothwell in the murder of Darnley, and had been long an exile as a forfaulted man on that account. It is with his goods left in Scotland that it is now proposed to deal. In fact, there can be no doubt that it was the need of money, the exhausted state of the King's exchequer, that had suggested to Morton's Government the policy of looking out all possible exceptions to the Pacification of Perth.

Acta 1577-79. chargeing thame to pas and denunce the saidis Johnne, Commendatar of Abirbrothok, and Claud, Commendatar of Paslay, his Hienes rebellis, and put thame to the horne, and to escheit and inbring all thair movabill guidis to his Hienes use for thair contemptioun."

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Cambuskynneth. Stirling Castle, 2nd June.

Page 256. Repetition of Act of 12th April 1578 [already printed in vol. ii. pp. 681–683], beginning, "Forsameikle as in the first yeir of our Soverane Lordis regnne thair wes ane Act maid anent schuting and beiring of culveringis and daggis, contening pane of cutting of the richt hand of the contravenaris [Acts of Parliament of Scotland 1567, c. 23, iii. 29]; quhilk Act sen the making thairof hes tane na executioun throw the trublis and civile weare quhairwith the haill realme hes been for the maist part sensyne inquietit; bot now, althoch God hes restoirit peax and quietnes frome all forayne wearis or civile trublis, yit the beiring, weiring, and schuting with culveringis, dagis and fyir werk, is not left of and forborne." The repetition is *verbatim*, but with two insertions, thus:—After the words "jugement heireftir ordanit" of the former Act of Council, there is inserted the clause, "as alsua that nane beir, weir, nor use the saidis culveringis, daggis, pistolettis, or utheris ingynis of fyir werk, within sex mylis quhair our Soverane Lordis persoun remanis under the pane of Page 257. deid;" to correspond with which, after the words in the sequel "hald thame imprissonit in irnis during the said space," there is inserted the clause, "as alsua to execute and caus execute the said pane of deid." The insertions are in accordance with the intermediate Act of Council of March 5, 1578–9 [see *ante*, p. 105]. Renewal of Act against carrying guns or pistols.

Page 258. Complaint of Robert Robesoun, James Crystisoun, Johnne Cristesoun, James Henrysoun, elder, and James Henrysoun, younger, Johnne Gilleis, Thomas Young, and David Astoun, "fewaris, tennentis, and occupyaris of his Hienes propir landis of Corntoun lyand within the lordschip of Strivilingschire," as follows:—"They and their predicessouris past memor of man hes bene in peciabill possessioun of casting and wynning of thair petis, leiding and awaytaking of the same to thair awin houssis, furth of the moss of Corntoun within the boundis of that part of the moss callit Inneralloun Moss,—lyke as ilk ane of the saidis personis hes thair awin boundis limitit and boundit to thame, quhairby ilkane of thame knawis thair awin part,—and with fre passage fra the said moss and to the same but ony impediment or molestatioun." But in May last "Williame Schaw of Knokhill, being personalie present, with his servandis and complices in his name, maisterfullie and aganis all ressoun, come upoun the saidis complineris servandis within thair awin rowmes of the said moss, and mannassit and boistit thame with contemptuous wordis: sayand, gif evir Certain King's tenants against William Shaw of Knockhill.

he fand thame thair agane, he sould hoch thame and cut thair luggis; and swa brak and tuke fra thame thair spaidis and warklumes, and as yit perseveiris in the same; tending thairthrow to appropriat his Hienes awin heretage and possessioun to the said Williame Schawis heretage, in plane contrair the Act of Parliament maid in his Hienes predicessouris tyme, King James the Ferd of worthie memorie, beirand that na lord, barroun, frehaldar, gentilman, or utheris sould compell ony his Majesteis tennentis, maillaris, or inhabitantis of his propir landis, to do thame ony maner of service be coactioun or dreid, under sic panis as is contenit in the Act maid thairanent" [1491, c. 22, ii. 222]. Schaw had been duly charged to appear and answer; and now, both parties having been heard, "the Lordis of Secreit Counsale remittis the said mater to be tryit and decydit be Johnne, Erll of Mar, shereff principall of Striviling, and baillie of the saidis landis, and his deputis, as accordis;" Schaw in the meantime to desist from all molestation of the complainers in casting or awaytaking their peats. Acta 1577–79. Page 259.

Protest by Shaw.

Protest by Schaw that this deliverance shall not prejudice his rights.

Caution for Shaw.

Caution for the same Schaw that he will not trouble Johnne Cristie in Corntoun, and James Cristie there, who have appeared and "maid faith that they dreid bodilie harme to be done to thame by him." The surety is Robert Lyndesay of Dunrod, and the penalty 500 merks in each case.

Discharge to Lyndsay of Dunrod in the matter of "ane lettrun."

Robert Lyndesay of Dunrod having been required "to serche, seik, and bring to his Majestie, ane lettrun pertening to David Hammiltoun of Bothuilehauch, quhairin are contenit certane writtis," and having duly brought the same, and delivered it, in presence of the Council, by his Majesty's command, to Alexander Hay, one of the scribes of the Council, requests that the fact may be registered, and "discharge gevin to him of all intromissioun thairwith." The Council, accordingly, "dischargis him thairof, and of all pane and danger that he may incur thairthrow for evir."

Petition of the clergy respecting the vacant abbacies of Arbroath and Paisley, with advice of the Council.

"Anent the supplicatioun presentit to our Soverane Lord and his Privie Counsale be the ministeris of Godis word within this realme, makand mentioun that, quhair in mony conferences had tuicheing the establisschíng of the ecclesiasticall policie within the same realme, it hes bene alwyise thocht, be the maist wyise and godlie personis that luikit and travellit cairfullie in that actioun, that the same ecclesiasticall policie culd not possibillie be well establischit, the kirkis universalie plantit with ministeris, nor they weill and commodiuslie payit and answerit of thair leavingis, quhill the multitude of paroche kirkis annexit in tyme of papistrie and ignorance to bischopreis, abbayis, and pryoriis, war separate thairfra, and the saidis gret benefices dissolvit, that the ministrie mycht be sustenit upoun the teyndis as maist competent for thame, and the povirtie of the Croun supportit be the rentis of the temporall landis as Page 260.

Acta 1577-79. meatest and maist proper thairfoir. Quhilk mater, be the commoun aggrement of sic as convenit and conferrit tuicheing the said ecclesiasticall policie at his Hienes commandiment in December last wes, wes thocht maist requisite and expedient, and ordanit to be proponit in article to the Estaittis at the nixt Parliament, quhilk then wes luikit for to be haldin this last Marche; bot, upoun occasionis moving his Hienes and the Lordis of Secreit Counsale, the said Parliament deserted, and now is proclamit to be haldin upoun the xx day of October nixt to cum, and in the menetyme the abbayis of Abirbrothok and Paslay, twa of the gretest prelaciis within this realme, quhairunto thre scoir five paroche kirkis ar annexit, presentlie vaikis, and ar at his Hienes dispositioun; and it is alreddy accordit and enterit in practize (althoch not as yit confermit be ony law) that upoun the vacance of ony prelacie the kirkis thairof salbe disponit to qualifiit ministeris in titill, togidder with the haill fruittis, or at leist sic a ressonabill part thairof as may be the honest leaving and sustentatioun of the minister serving at the same; quhilk ordour wes observit in the dispositioun of the abbayis of Monymusk, Balmerino, Failfurde, and sic utheris as laittest vaikit, lyke as, upoun the formes accordit in conference and ressavit in practize, all benefices hes bene presentit and collationat sen the begynning of his Hienes regnne; as it is necessar and expedient that now be the vacance of thir tua gret prelaciis the same be dissolvit, and the ministeris providit in titill to the fruittis of the kirkis, at leist to sa meikle as salbe thocht sufficient leavingis, lyke as at mair lenth is contenit in the said supplicatioun.—Quhilk being red in presence of the saidis Lordis, and they ripelie avisit thairwith, the Lordis of Secreit Counsale thinkis meit, and advisis the Kingis Majestie, to suspend his Hienes handis on making ony gift, grant, or promeis of the prelaciis abonewrittin, or ony part thairof, quhilk may hinder and prejudge the dissolutioun of the same, according to the forme ellis intendit and thocht meit to be done; and ordanit this present Act to be maid heirupoun *ad futuram rei memoriam*."

Page 261. "The quhilk day Andro Buk, burges of Abirdene, is becum bundin and obleist, and be thir presentis bindis and obleissis him and his airis, that the sowmes of money collectit, and to be collectit and deliverit, to him be the bischoppis, superintendentis, commissionaris, provestis, and baillies within this realme, for the releif of the Scottismen prissoneris in Argier in Affrik, and utheris partis within the Turkis boundis, salbe applyit be him, sa far as the samyn will extend to, for thair releif and libertie, with sic diligence as possibillie may be schawin, and that the superplus, gif ony be, eftir compt haid and tane, deduceand and allowand alwyis his awin expenssis in his passing and returning, and utherwayis maid in the collecting and inbringing of the same, salbe deliverit to our Soverane Lordis thesaurare, or sic utheris as he sall appoint, immediatlie eftir the said Androis returning, to be disponit upoun as his Majestie thinkis gude; providing alwyis that the said Andro beir not forther eventure of the

Stirling Castle 3rd June. Andrew Buk of Aberdeen, and the fund for the relief of Scottish prisoners among the Turks.

said money nor he dois of his awin propir geir and himself. Sic subscribitur: Andro Buk, with my hand." Acta 1577-79.

Stirling Castle, 4th June.

Sederunt—Robertus, Comes de Levinax; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Arrest of all the revenues of the estates of the two Hamiltons.

Notwithstanding the Act of Council of the 11th of May last, declaring void and of no effect "all alienationis, resignationis, dimissionis, and utheris dispositionis quhatsumevir," made by Johnne and Claud Hammilton, and ordering all actions founded on such to cease and remain in suspense until these two Hammiltons should be "tryit culpabill or innocent" of the murders of the King's father and Regents [*ante*, p. 154], yet "sindrie personis, purchessouris of the saidis alienationis, resignationis, dimissionis, or utheris dispositionis, maid be the saidis Johnne and Claude Hammiltonis, ceissis not to intromet with and posses thameselffis with the landis, kirkis, teyndis, proffeittis, and dewiteis thairof, sa annaliit, resignit, dimittit, and disponit, in manifest hurt and prejudice of his Hienes richt, interesse, and commoditie." It is now, therefore, ordered that the proper officers "fense and arreist all and sindrie maillis, fermes, proffeittis, and dewiteis of quhatsumevir landis, kirkis, teyndis, and utheris rentis" so circumstanced, the same "to remane under arreistment in the handis of the tennentis, takismen, and utheris detbund to pay the same, ay and quhill the saidis Johnne and Claud Hammiltonis be tryit culpabill or innocent of the saidis murtheris." The said tenants and tacksmen are not to pay the same in the meantime under pain of being "compellit to pay the samin owre agane;" and all persons "purchessouris of the saidis alienationis," etc., are to be prohibited by proclamation from craving or receiving "the saidis maillis, fermes, proffeittis, and dewiteis sa arreistit and sequestrat, quhill the said tryell," on peril of severe punishment. Page 262.

Order for the surrender of the castles and houses of Sir James Balfour.

His Majesty, "considdering his dewitie aucht to God in doing of justice," and "understanding that Sir James Balfour, sumtyme of Pettindreich, knycht, is cheiflie culpable of the maist schamefull and treasonabill murthour of umquhile his Hienes dearest father, of gude memorie, and standis forfaltit and declairit traitour to his Majestie thairfoir," and that therefore his "landis, benefices, guidis, and geir" ought to "escheitit and inbrocht to his Hienes use," does now, by advice of his Council, order letters to issue "chargeing the said Sir James Balfour, sumtyme of Pettindreycht, knycht, and all utheris keiparis, haldaris, and detineris of the castellis, houssis, and fortilices of Pettinweme, Monymeill, and Burlie, to rander and deliver the samyn to the officiar executour of the saidis letters, within sex houris nixt eftir thai be chargit thairto, under the pane of treasoun; certifeing thame, and they failyie, the saidis sex houris being bipast, they salbe repute, persewit, and estemit as tratouris, and the proces and dome of forfaltour led aganis thame, conforme to the Actis of Parliament and Page 263.

Acta 1577–79. lawis of this realme." Proclamation is also to be made at the market crosses of the head burghs forbidding the lieges "to assist, tak part, ressett, supplie, or intercommoun with the said Sir James Balfour, his followaris and parttakaris, or gif thame meit, drink, house, or harberie, in privie or apart," under the same pain of treason [see *ante*, p. 174, and footnote].

The Earl of Lennox against the Collector-General.

Complaint of Robert, Earl of Lennox, Lord Dernlie, as follows:—By the King's gift under the Privy Seal the complainer has had "dischairgit to him, during all the dayis of his lyffe, the sowme of twa thousand pundis, quhilk he wes obleist, be ane contract maid betwix James, Erll of Mortoun, his Hienes lait regent, in his name, and the said complinar, to pay yeirlie to our Soverane Lord, as for the thrid and superplus of the pryorie of Sanctandrois, by and attour the sustening of the ministrie, as alsua the haill thrid of the bischoprik of Caitnes, as the said Erll of Lennox gift schawin to his Hienes and the saidis Lordis beiris." Nevertheless, "Adame, Commendatar of Cambuskynneth, Collectour-generall, and his deputis and officiaris in his name, makis stop and impediment to
Page 264. the said Robert, Erll of Lennox, in the peciabill intrometting and uptaking of the thrid of the said pryorie and bischoprik, and hes chargit him and the fewaris, fermoraris, tennentis, and occupyaris thairof, to mak payment to him of the said thrid as Collectour-generall, notwithstanding the said Erllis gift, and will on na wayis desist fra charging of him and uplifting thairof without he be compellit." The said Collector-general having been summoned to appear, and both parties being now personally present, the decision, after consideration, is given thus:—"Dischargeis the said Adame, Commendatar of Cambuskynneth, and his officiaris in his name, of all further craving, ressaving, uptaking, or chargeing of the said Robert, Erll of Lennox, or the fewaris, fermoraris, tennentis, or occupyaris of the assumit landis of the thrids of the said pryorie of Sanctandrois and bischoprik of Caithnes, bot to suffer him, his chalmerlanis, factouris, and servandis in his name, peciabillie intromet thairwith, according to his said gift, in all tyme cuming."

Summons to a great number of Hamiltons and others.

The following are charged to appear before the King and Council on such days as shall be assigned them individually, under pain of rebellion, horning, and escheat of goods:—"Alexander Hammiltoun of Innerwik, James Hammiltoun of Ruchbank, Robert Hammiltoun of Garen, James Hammiltoun of Kincavill, Mungo Hammilton of Pardovane, James Hammiltoun in Burnbra, Claud Hammiltoun, sone to umquhile Andro Hammiltoun of Cochno, Archibald Hammiltoun and Andro Hammiltoun, alsua his sonnis, Thomas Hammiltoun of Preistisfield, James Hammiltoun of Sproustoun, Alexander Baillie of Litilgill, Williame Baillie of Ormestoun, Johnne Hammiltoun of Kilbowie, Johnne Hammiltoun of Cander, Mr James Hammiltoun of Peill, Robert Hammiltoun of Newhous, Robert Hammiltoun of Ovir Torrens, Robert Hammiltoun, sone to umquhile Barthilmo Hammiltoun in Mauchlenehoill, Gawen Hammiltoun of Ardrie,

James Hammiltoun in Aikinheid, Robert Hammiltoun of Lethame, James Hammiltoun of Briggis, Robert Hammiltoun of Eglismauchane, Johnne Hammiltoun of Grange, Rolland Hammiltoun of Neisbet, Richart Hammiltoun of Auchinglen, Johnne Hammiltoun of Brouncastell, Williame Hammiltoun of Torschaw, Alexander Hammiltoun in Heleys, Archibald Hammiltoun in Spittelscheild, James Hammiltoun in Newtoun of Cambuslang, Johnne Hammiltoun in Preistisfield in Blantur, Robert Hammiltoun of Schawtounhill, Johnne and Rannald Hammiltonis, his brether, Thomas Hammiltoun in Nethir Schawtoun, Robert Hammiltoun of Cathkin, James Hammiltoun of Wodside, Johnne Hammiltoun of Auchintibbir, Williame Hammiltoun of Blantyir, Johnne Hammiltoun in Turnlaw, James Hammiltoun in Kirkhill, Johnne Hammiltoun of Eister Bynnie, Robert Hammiltoun, broder to Johnne Hammiltoun of Stanehous, burges of Edinburgh, Maister Johnne Hammiltoun of , burges of Edinburgh, Johnne Hammiltoun of , *alias* Johnne of Cumnok, Johnne Hammiltoun in Auchinbernet, Robert Hammiltoun in Duntercluanane, Archibald Hammiltoun, sone to umquhile Johnne Hammiltoun of Fergusley, Johnne Hammiltoun in Holme, George Hammiltoun, tutour of Bordland, Thomas Hammiltoun in Boithuile, Robert Hammiltoun in Brigtoun, George Hammiltoun, tutour of Bathcat, Gawen Hammiltoun in Grange, Stevin Hammiltoun in Monsmylne, Patrik Hammiltoun of Auchingrenik, Robert Hammiltoun thair, Allane Hammiltoun in the Inche of Bathcat, Hew Hammiltoun in Schartounhill, Williame Hammiltoun, sone to unquhile Williame Hammiltoun, tutour of Cambuskeith, Robert Hammiltoun of Inchemadoch, Maister Robert Hammiltoun, persoun of Torrens, George Hammiltoun in Boigheid, Johnne Hammiltoun of Boithkennar, Matho Hammiltoun in Philpstoun, Alexander Hammiltoun in Boigheid, James Hammiltoun in Hinschaw, James Hammiltoun at the West Port of Linlythqw, Thomas Murheid of Budschaw, Gawen Baxtar in Boithuile, Johnne Hammiltoun of Pardowie, Bertie Hume in Bancreif beside Bathcat, David Seytoun of Perbroth, Robert Balfour, provest of the Kirk of Feild, sone to Andro Balfour of Monquhany, Maister Gawen Hammiltoun, persoun of Kilbryde, James Hammiltoun in Lettir, James Hammiltoun in Tirquillane, George Hammiltoun in Glenrossy, Johnne Hammiltoun in Corrie, Gawen Hammiltoun in Inchecarne, Robert Hammiltoun of Torrens, Johnne Hammiltoun the fischar, Johnne Hammiltoun in the Knokame." Acta 1577–79. Page 265.

Special charge to Lord John Hamilton and Lord Claud Hamilton.

Charge to be given to Lord Johnne Hammiltoun and Lord Claud Hammiltoun to appear before the King and Council on the 20th of June instant, such charge to be given "be oppin proclamatioun at the marcat croces of the burrowis of Edinburgh, Lanark, Renfrew, and Forfar, becaus the certane place of thair present dwelling and residence is not knawin."

Complaint of Master Johnne Provand, burgess of Edinburgh, as follows:— "In all stentis and taxationis he is verray greitlie hurt and wranguslie Page 266.

Acta 1577–79. stentit, he being evir stentit for mair nor ony utheris his nychbouris, as specialie, in the lait stent ressavit and collectit in the said burgh for payment of the waigis of the twa hundreth men of weare ordanit be his Majestie to be levyed for furthsetting of his Hienes service at the asseage of the castellis of Hammiltoun and Draffen, the personis underwrittin appointit for making and setting of the said stent,—they ar to say, James Broun, Thomas Cok, James Forman, Richart Thomsoun, David Hume, Johnne Harratt, Mungo Scot, Johnne Huntar, Patrik Cochrane, Johnne Grahame, Clement Cor, Thomas Broun, James Maistertoun, Johnne Adamesoun, and Robert Hereys, burgessis of the said burgh,—hes stentit the said Maister Johnne far abone the rait of ony of his nychbouris, althoch he be the meanest of substance of ane hundreth burgessis of the said burgh, and hes compellit him to pay xvi li. in stent at this tyme, quhair Maister Johnne Prestoun, Lucas Wilsoun, Alexander Uddart, and sic uther substantious burgessis and nychbouris of the said burgh, ar stentit bot sum sex pundis, sum aucht pundis, and sum nyne pundis at the maist. Quhilk forme of dealing with the said Maister Johnne is contrair all gude ordour and reasoun, and to his greit hurt, being bot ane of the meanest amangis j^e of his nychbouris; quhair, as his Majestie sal have occasioun to rais and uplift ane gretar stent within the said burgh, that he salbe stentit far abone ony of his nychbouris."—The complaint so made had been referred by the King and Council to the Provost and Bailies of Edinburgh for consideration and report within the space of eight days; and now, "Richart Abircrumbie, ane of the baillies of the said burgh of Edinburgh, for himself and in name of the provest and Page 267. remanent baillies and counsale of the said burgh, and Johnne Harrat, ane of the settaris of the said stent, compeirand personalie," as also the complainer, the decision, after hearing parties, is:—"Findis the forme usit in setting of the said stent be the personis electit and sworne thairto be the saidis provest, baillies, and counsale, to be ordourlie proceidit; and ordanis the same to have executioun according to the liberteis and antient custume of the said burgh; and alwyis requiris the said Richart Abircrumbie and Johnne Harrat, in name of the saidis provest, baillies, and counsale, that the said Maister Johnne be stentit bot according to his rent and substance, conforme to gude conscience, in tyme cuming, as they will answer to God and his Hienes thairupoun."

Complaint of John Provand, burgess of Edinburgh, that he is overrated in the tax returns.

Sederunt—Andreas, Dominus Uchiltrie; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Magister Georgius Buchannane. Stirling Castle, 9th June.

Williame Stewart, servitor to Robert, Earl of Lennox, Lord Dernlie, appears as procurator for that nobleman, and gives in for registration in the Books of the Council a document executed at Striviling on the 5th of June, and signed by the Earl in the presence of the said Williame

Discharge by the Earl of Lennox to the Earl of Mar, for the chest containing the Lennox writs.

Stewart, and Master David Carmichael and James Gray, two others of his servants. The tenor of the document is as follows:—"Be it kend till all men be thir present letters, we, Robert, Erll of Lennox, Lord Dernley, to have ressavit furth of the handis of Johnne, Erll of Mar, Lord Erskin, and his servandis, ane kist or coffer, coverit with ledder and bandit with irne, contening a gret nowmer of our evidentis of the erldome of Levinax, quhilk kist and coffer wes left be Johnne Cunninghame of Drumquhassill in the castell of Striviling, within the chalmer sumtyme occupiit be him, and wes oppanit, and inventar of the evidentis, writtis, and letters being thairin, maid in presence of certane lordis of the Secreit Counsale at command of ane act and ordinance gevand thame power and commissioun sa to do, and the same evidentis, writtis, and letters to be deliverit to us [see the order, *ante*, p. 162]; and thairfoir we exoner, quitclame, and discharge the said Johnne, Erll of Mar, his freyndis and servandis, of the said kist or coffer, and of the saidis evidentis, writtis, and letters being thairin, and sall warrand and keip thame scaithles of the same at all handis quhome it efferis; quhairunto we obleis us, our airis and executouris, in the stratest forme and siker stile of obligatioun that can be divisit or maid, na remeid nor exceptioun of law to be proponit or alledgit in the contrair, renunceand the same for us, our airis, successouris, and assignayis for evir." Acta 1577–79. Page 268.

Caution for Crichton of Strathurd.

Caution by Andro Murray of Balvaird for Patrik Creychtoun of Strathurde, that he shall not "invaid, molest, trubill, or persew" David Stevin in Orchartoun of Tullybody, and Elizabeth Galloway, his spouse, under the pain of 200 merks, *toties quoties*.

Stirling Castle, 12th June.

Band for Lord Seton and his three sons.

Registration of a band and obligation executed at St Androis two days before, and signed by George, Lord Seytoun, and Robert, his son and heir-apparent, as principals, and by Johnne Seytoun of Lathrisk and George Seytoun of Kereistoun, as cautioners and sureties for the said two principals, and for Johnne and Williame Seytoun, younger sons of Lord Seytoun, also principals in the case. The tenor of the obligation is that Lord Seytoun and his three sons "sall serve and obey the Kingis Majestie our Soverane Lord in tyme cuming as becumis dewtifull and obeydient subjectis, and on na wayis ressett, supplie, interteny, intercommoun, schaw favour nor have intelligence, be letters, messagis, nor na uther maner of way, under quhatsumevir cullour or pretens, with Johnne, sumtyme commendatar of Abirbrothok, and Claude, sumtyme commendatar of Paslay;" and also that they will appear before the Council at any time on eight days' warning. The penalties are—for Lord Seytoun himself, £5000; for his son and heir-apparent, £2000; and for each of the two younger sons, £1000. The obligation is given in for registration by Master James Seytoun, person of Quhatsum, appearing personally as procurator for the parties; and it had been witnessed at St Andrews by "Maister Robert Auchmutie, vicar of Striviling, Maister David Auchmutie, burges of Sanctandrois, Page 269.

Acta 1577-79. Maister Alexander Seytoun, broder-germane to the Lard of Lathrisk, and Michaell Nasmyth of Posso, with utheris diverse."

Sederunt—REGE PRESENTE—Andreas, Comes de Rothes; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Computorum Rotulator; Magister Georgius Buchannane. Stirling Castle, 13th June.

Page 270. Similar cautions for non-complicity with the two chief Hammiltons, and for appearance when required on 15 days' warning, as follows:—James Dowglas of Clapertoun, cautioner and surety for James Hammiltoun of Kincavill, penalty 1000 merks; Robert Bruce of Westir Bynnie, for Mungo Hammiltoun of Pardoven, penalty 2000 merks; the said Robert Bruce of Westir Bynnie, for Alexander Hammiltoun, son to the said Mungo, penalty 1000 merks; Alexander Ka, baillie of Linlythqw, for James Hammiltoun of Briggis, penalty 500 merks; James Edmestoun of Duntreyth, for Robert Hammiltoun of Eglismauchane, penalty 1000 merks; Johnne Striviling of Gloret, for Johnne Hammiltoun of the Grange, penalty 1000 merks; James Kincaid of Carlowrie, for Johnne Hammiltoun in Eistir Bynnie, penalty £500; Gabriell Levingstoun of Tirntirrane, for George Hammiltoun, tutor of Bathcat, penalty 500 merks; the said Gabriell Levingstoun of Tirntirrane, for Gawen Hammiltoun in Grange, penalty 500 merks; James Edmonstoun of Duntreyth, for Robert Hammiltoun of Bathcat, penalty 2000 merks; Henrie Levingstoun of Greneyairdis and Williame Mure of Newtoun of Bothkennar, conjointly and severally, for Johnne Hammiltoun of Bothkennar, penalty 500 merks; Malcolme Dowglas of Manis, for Matho Hammiltoun of Philipstoun, penalty 500 merks (Robert Cunninghame of Ladyland, and James Cousland, burgess of Striviling, obliging themselves to relieve the said Laird of Manis of the said surety, and the said Matho obliging himself again to relieve these two of the risk for him); Gabriell Levingstoun of Tirntirrane, for James Hammiltoun at the West Port of Linlythqw, penalty 500 merks. Cautions for a number of Hamiltons.

Page 271. *Sederunt*—REX; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Patricius, Dominus Lyndesay; Andreas, Dominus Uchiltrie; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 15th June.

Williame Dowglas of Lochleavin, appearing as procurator for the parties, gives in for registration a band or obligation executed at Balward on the 11th of June, and signed by Laurence, Lord Oliphant, and his son and heir-apparent, Laurence, Master of Oliphant, as principals, and by the said Williame Dowglas of Lochlevin, and James Sandelandis of Sanctmonanis, as cautioners and sureties for the two, in the presence of Laurence Oliphant, portioner of Williamestoun, and Andro Olipher of Gagy, as witnesses. The obligation is "that Andro Murray of Arngosk, Band for Lord Oliphant and the Master of Oliphant.

knycht, Williame Moncreif, fiar of that Ilk, and Patrik Murray of Tibbermure, thair kin, freyndis, men, tennentis, servandis, assisteris, and parttakaris, salbe unhurt, unharmit, unmolestit, invaidit, trublit, or in ony wayis persewit," by Lord Oliphant and his son, or their dependents, "for quhatsumevir caus, querrell, or occasioun bigane, preceiding the dait heirof, unto the first day of September nixt to cum." The penalty is to be 20,000 merks, one-half to go to the King, and the other half to the person or persons offended, as was usual in such cases. Acta 1577–79.

Counterpart Band for Sir Andrew Murray of Arngosk and others.

Registration of exactly counterpart band, in the same sum of 20,000 merks, executed at the same place and on the same day, whereby the above-mentioned Andro Murray of Arngosk, knight, Williame Moncreif, fiar of that Ilk, and Patrick Murray of Tibbermure, as principals, with Robert Bruce of Clakmannane and Robert Murray of Abircairny, as cautioners and sureties for them, undertake "that Laurence, Lord Oliphant, and Laurence, Maister of Oliphant, his sone and appeirand air, thair kin, freyndis," etc., shall be unmolested until the same date of the 1st of September. The procurator appearing for the parties in this case, and giving in the band, is Master Gilbert Moncreif. This band, like the preceding, bears to have been entered into "at the speciall ordinance" of the King and Council. Page 272.

Stirling Castle 16th June.

Sederunt—REGE PRESENTE—Joannes, Comes de Montrois; Andreas, Comes de Rothes; Joannes, Comes de Mar; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Patricius, Dominus Lyndesay; Andreas, Dominus Uchiltrie; Jacobus, Dominus Innermeith; Robertus, Dominus Boyd; Episcopus Dumblanensis; Robertus, Commendatarius de Dumfermling; David, Commendatarus de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.[1] Page 273.

Cautions for three more Hamiltons.

Cautions for non-complicity with Lord Johnne Hammiltoun or Lord Claud Hammiltoun, and for appearance, if required, on 15 days' warning, as follows, the parties appearing personally, and giving promise:—George Campbell of Stevinstoun, cautioner and surety for Claude Hammiltoun of Cochno, penalty 1000 merks; Robert Danielstoun of Cowgrane, for Archibald Hammiltoun, son of the late Johnne Hammiltoun of Fergusley, penalty 500 merks; Johnne Striviling of Gloret, for Johnne Hammiltoun of Pardowy, penalty 2000 merks. Page 274.

The Countess of Atholl's protest respecting her husband's death.

"The quhilk day Dame Margaret Flemyng, Countesse of Atholl, relict of umquhile Johnne, Erll of Athole, lord of Balvany, lait Chancellor of Scotland, compeirand personalie in presence of the Kingis Majestie and Lordis of Secreit Counsale, protestit solempnitlie that quhat it sould pleis the Kingis Majestie and Lordis of Secreit Counsale to decerne presentlie

[1] A new name in this sederunt is that of Andrew Graham, Bishop of Dunblane.

Acta 1577-79. or at ony tyme heireftir, upoun the declaratioun of the doctouris, chirurgianis, and ypothecaris, presentlie convenit at the Kingis Majesteis desyir, tuicheing the caus of the death of the said umquhile Johnne, Erll of Athoill, sould on nawayis be prejudiciall or hurtfull to Johnne, now Erll of Athoill, lord of Balvany, hir sone, and his freindis, bot that he and they sall have place to persew the trew tryall of the caus of his death, as also the doaris thairof; for that scho did wes bot for hir self and hir awin dewitie, not having ony commissioun of hir sone nor nane of his freindis: and thairupoun askit actis and instrumentis" [see *ante*, p. 143, footnote].

Sederunt—Domini ut in die predicto. Stirling Castle, 18th June.

Caution for William Muirhead. Caution by Hew Kennedy of Barquhany to deliver Williame Mureheid, brother of James Mureheid of Lawchope, to the captain of Edinburgh Castle upon the 21st instant, under the pain of £500.

Robert Balfour denounced. Order for denouncing and putting to the horn Robert Balfour, provost of
Page 275. the Kirk of Feild, for having failed to appear before the Council to answer "to sic thingis as sould have bene inquirit of him at his cuming."[1]

Cautions for nine more Hamiltons. More cautions for good behaviour, non-complicity with the two Hamilton lords, and appearance before the Council on 15 days' warning, as follows, the parties appearing personally and promising:—Johnne Murray of Blakbarony, cautioner for Alexander Hammiltoun of Innerwik, penalty £2000; George Halkett of Pitfirrane, for James Hammiltoun of Ruchbank, 1000 merks; James Heriot of Trabroun, for Thomas Hamiltoun of Preistisfeild, 1000 merks; George Lyle of Stanypeth, for James Hammiltoun of Sproustoun, 1000 merks; Hew Kennedy of Barquhony, for Robert Hammiltoun, brother of Johnne Hammiltoun of Stanehous, burgess of Edinburgh, 500 merks; James Striviling of Auchyle, for Mr Johnne Hammiltoun, burgess of Edinburgh, 500 merks; Johnne Murray of Blakbarony, for Johnne Hammiltoun of , *alias* Johnne of Cumnok, 1000 merks; Robert Lyndesay of Dunrod, for David Hammiltoun of Fingaltoun, knight, £2000; and David Kynneir, apparent of that Ilk, for James Hammiltoun of Sammelstoun, 1000 merks.

Sederunt—Domini ut in die predicto. Stirling Castle, 19th June.

A suspicious Frenchman ordered out of the country. "Forsameikle as the Kingis Majestie and Lordis of his Hienes Privie Counsale ar informit that a Francheman, calling himself the Quene his Hienes moderis secretarie, alledgit licencit be the Quene of England, is cum in this realme and to this burgh of Striviling, accumpanyit with

[1] This is the brother of Sir James Balfour of Pittendreich (*ante*, p. 174, and footnote there). He also was among the forfaulted of 1571, and there rested upon him, as upon Sir James, the charge of having been one of the chief agents in Darnley's murder. Indeed the house of Kirk of Field, in which Darnley was blown up, belonged to this Robert Balfour.

Maister Nicholas Aringtoun, provest marschall of Berwik, servand to the said Quene of England, without ony commendatioun from hir to his Majestie, or uther intelligence hed of the caus of his directioun, as heirtofoir scho had bene utherwayis accustomat, and alwyis cairfull for his Hienes in lyke caissis, and to obviat all practizes that mycht be layit out to indanger his Hienes estait and the gude amitie that sa lang hes continewit betuix thair twa Majesteis—quhilk Francheman, be the report of sic of his Majesteis servandis as hes spokin with him, seamys to misdoubt his Hienes in that titill and degrie of honour quhairunto God hes callit him, and sa travellis to alienat the doubtfull myndis of sa mony of his Hienes ewill affectit subjectis from his obeydience; quhairfoir his Majestie, with avise of the Lordis of his Privie Counsale, eftir gude advise and deliberatioun, judgeis the said Franscheman unworthy of his Hienes presence or audience, and to deserve seveir puneisment for his presumptioun, meit to be execute presentlie upoun him, war it nocht for the respect of his dearest suster, the Quene of England, and hir servand that accumpanyis him; and that alwayis he be commandit to depart with all gudelie diligence furth of this realme."[1] Acta 1577-79. Page 276.

Stirling Castle, 20th June.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Robertus, Comes de Buchane; Willelmus, Dominus Ruthven; Patricius, Dominus Lyndesay; Robertus, Dominus Boyd; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; David, Commendatarius de Dryburgh; Computorum Rotulator.

Furnishing of napery for the Royal table.

Complaint and supplication by James Galbraith, "his Hienes panetier," to the effect that he "can have na naiprie for furnissing of his Hienes tabill and houshald, nouther at the handis of his thesaurar nor comptrollar, sen his Majestie acceptit the governament of his realme in his awn persoun," and that, inasmuch as in April last "his Majestie and Privie Counsale ordanit the ordour heiranent in King James the Fiftis tyme to be sichtit, that further conclusioun and directioun mycht be gevin in that behalf as appertenis," therefore, "seing baith the thesaurar and comptroller ar present," it may be declared by his Majesty, with advice of his Council, "quhidder his said thesaurar or comptrollar sould answer and caus furneis the said naiprie." The decision is as follows:—"Ordanis and commandis Sir Williame Murray of Tullibardin, knycht, his Majesteis comptrollar, present and to cum, to answer and caus furneis the said

[1] The suspicious Frenchman so unceremoniously treated was M. Nau, secretary to Queen Mary. He had been sent by Mary with a letter to her son, some jewels, and a vest embroidered by her own hands; but, as James had been addressed in the letter as only "Prince of Scotland," the messenger could not be received (Robertson's *History*, under the year 1579). Nicholas Arington, in whose train Nau had come into Scotland, was an English soldier, who had been sent as envoy by Elizabeth to plead for the Hamiltons.

Acta 1577-79. naiprie to his Hienes tabill and houshald foirsaid presentlie and in tyme cuming, according to the ancient ordour and custume usit in the dayis of King James the Fift of worthie memorie, that na forther complaint be hard in that behalf."

Page 277. Caution by George Carnie, bailie of Striviling, to deliver Johnne Hammiltoun, brother of Andro Hammiltoun of Sillertounhill, to the captain of Blaknes Castle, on or before the 23rd instant, under pain of £500. Caution for delivery of John Hamilton.

Complaint of Williame Dumbar of Blantyir as follows:—Williame Hammiltoun of Sanquhar, "having consavit ane deidlie hettrent and malice causles aganis the said Williame Dunbar, upoun the xiii day of Aprile last bipast, come to his place of Entirkin, quhairin he dwellis and remanis presentlie, accumpanyit with tuentie horsmen or thairby, bodin in weirlyke maner, with lang gunnis and pistolettis, prohibit to be worne be our Actis of Parliament and Secreit Counsale, jakis, steilbonattis, swirdis, and uther wappynnis invasive, and thair, be way of hamesuckin, serchit and socht the said Williame Dumbar for his slauchter and distructioun; and the said Williame Hammiltoun, finding himself be his non-apprehensioun disappointit of his weikit purpois, brak doun his dykis and yettis of his fenssis and hainingis, not litill to his hurt and scaith." Farther, "the said Williame Hammiltoun, for executioun of his ewill will aganis the said Williame Dumbar, dalie be plane force and way of deid oppressis and committis reiffis, spulzeis of horssis, cornis, cattell, and utheris guidis upoun his puir tennentis of the landis of Sornis, Mosgavill, Dykesdaill, the manis of Grenok and Eistir Sanquhar, swa that be the frequent reiffis and oppressionis foirsaidis the saidis puir tennentis ar allutterlie wrakit." Hammiltoun having been summoned to appear and answer under pain of horning, etc., but having made no appearance, while the complainer does appear, it is ordered that the penalty take effect. William Dunbar of Blantyre against William Hamilton of Sanquhar.

Sederunt—Domini ut in die predicto. Stirling Castle, 23rd June.

Page 278. Cautions for non-complicity with the two Hamilton Lords, and for general good behaviour and appearance if required on 15 days' warning, received as follows, the parties being personally present:—Johnne Kincaid of Fosken surety for Thomas Mureheid of Baidschaw, penalty 500 merks; Robert Wallace, younger of Carnall, for Gawen Hammiltoun of Ardrie, 500 merks; Robert Boyd of Badinheth for Johnne Hammiltoun of Aikinheid, 500 merks; Robert Wallace, younger of Carnell, for Archibald Hammiltoun in Spittelscheill, 500 merks; Williame Weir of Auchtyfardell for Johnne Hammiltoun of Auchinglen, 500 merks; James Weir, younger of Blaikwod, for Stevin Hammiltoun in Mosmylne, 500 merks; James Somervile, younger of Cambusnethane, for Alexander Hammiltoun in Heleys, 500 merks; Robert Wallace, younger of Torrens, for Mr Robert Hammiltoun, parson of Torrens, 500 merks; Robert Wallace, younger, of Cautions for more Hamiltons, and others.

Carnell, for George Hammiltoun, younger, of Prestoun, £1000; Matho Craufurd in Bridgill for Gawen Baxtar in Boithuile, 500 merks; James Hammiltoun of Libertoun for Robert Hammiltoun of Newhous, 500 merks; the said James Hammiltoun of Libertoun for Mr James Hammiltoun of Peill, 500 merks; Williame Dumbar of Blantyir for James Hammiltoun of Kirkhill, 500 merks; Johnne Millar of Mylneheuch for Johnne Hammiltoun in Cornelaw, 500 merks; Robert Lyndesay of Dunrod for Robert Hammiltoun in Cathkin, 500 merks; James Robertoun of Ernok for Thomas Hammiltoun in Nether Schawtoun, 500 merks; James Hammiltoun of Libertoun for Johnne Hammiltoun in Holme, 500 merks; James Robertoun of Ernok for Robert Hammiltoun of Schawtounhill, 500 merks; James Robertoun of Ernok for Hew Hammiltoun in Schawtounhill, 500 merks; Alexander Hammiltoun of Nethirfeild for Robert Hammiltoun in Neisbett, 500 merks; Thomas Hammiltoun in Clowbirhill for Thomas Hammiltoun in Boithuile, 500 merks; Williame Dumbar of Blantyir for Johnne Hammiltoun in Preistisfeild of Blantyir, 500 merks; James Weir, younger, of Blaikwod, for Johnne Hammiltoun of Cander, £1000; Robert Boyd of Badinheth for James Hammiltoun of Wodside, 500 merks; and Adam Cunningham of Brumhill for Johnne Hammiltoun, brother of William Hammiltoun in Granghill, 500 merks. Acta 1577–79.

Baillie and Hamilton denounced.

Order for denouncing Alexander Baillie of Litilgill and Robert Hammiltoun of Lethame, who have failed to appear before the Council as charged. Page 279.

Caution for John Fyn.

Caution by Patrik Bannatyne of Stanehous, to enter Johnne Fyn in Merkinche before the Privy Council when required, on six days' warning, under pain of 500 merks.

Representation of James Purdie, Islay herald.

Representation by James Purdie, Ylay herald, as follows:—He had been directed to execute the King's letters upon the "detineris of the hous and fortilice of Abirbrothok aganis his Majestie and his authoritie;" and, the house having been "randerit and deliverit to the said James upoun the fift day of Maii last bipast," he had been ordained by the Privy Council to keep it until the King's further command. This he had done, but had received no payment for his charges and expenses. He craves that these may be now remembered: "maist humilie, thairfoir, beseikand your Majestie to have consideratioun of the said James trew and thankfull service evir sen his Majesteis coronatioun." The Council ordain the Treasurer to pay to him 40 merks for his past expenses from the date of the delivery of the house to him to this present 23rd June, and 20s. daily from this date to the 28th instant, when he is to be relieved of his charge.

Stirling Castle, 24th June.

Sederunt—Domini ut in die predicto. Page 280.

Petition by Erskine of Dun.

Supplication by Johnne Erskin of Dun:—He received, he says, the house of Reidcastell in Angus some 40 days ago, and was ordained to keep it

cta 1577–79. till such time as it were decided whether it belonged to Dame Elizabeth Betoun, lady Innermeith, or James Gray, her spouse [see *ante*, p. 171]; "quhilk hous keiping is sumptuus and verray chargabill to the said Johnne, beside travellis." He asks, therefore, to be paid his expenses, and discharged of the trust. The order is that he is still to keep the house, but is to be paid 40s. a-day from the 22nd May last to this present date inclusively, and 20s. daily in future, till the house be received off his hands, either by the lady or her husband, "quhilk of thame beis found to have richt and interes thairto."

Order for the partial demolition of Draffen Castle.

The King and Council, "considdering the oft rebellioun and defectioun schawin and maid be the keiparis of the castell and fortilice of Draffen, als weill to his Majesteis predicessouris, of worthie memorie, as to his Hienes self in his awin tyme," ordain "that James Hammiltoun of Libertoun sall, betuix the dait heirof and the Feist of Michaelmes nixt to cum, caus dimolische and cast doun to the ground the inner barmkin of the said hous, and the tour upoun the south nuke of the samin, as alsua the tour upoun the north nuke at the entres, and the fowse thairof fillit; and that na thing remane within the clois about the rute of the tour bot the dur thairof, to oppin plainelie in the clois; as alsua nathing to remane bot the garding dike on the west hand without flankis, and that the bigging upoun the eist side of the tour, and the clois dykis on the south and north side, remane without flankis."

Caution for Thomas Warnock.

Caution by Robert Mure of Caldwell, to enter Thomas Varnok, at present in ward in the tolbooth of Striviling, before the Council, on six days' warning, under pain of 500 merks.

Page 281. *Sederunt*—Domini ut in die predicto. Stirling Castle, 25th June.

Caution for James Gray.

Caution by David Gardin of that Ilk for James Gray, son of Patrik, Lord Gray, that he shall not in any way, privily or by force, "preis to tak" the house and fortalice of Reidcastell in Angus, until it be decided whether it belongs to him or to Dame Elizabeth Betoun, his spouse, under the pain of £1000 [see *ante*, pp. 154–6, 171, and 188].

Caution for Lady Innermeath.

Caution by James Scrimgeour of Dudop, constable of Dundie, for Lady Innermeith, to the same effect, under the same penalty.

Offer of David Stevenson, in the matter relating to the coinage, found insufficient.

David Stevinson, burgess of Dunde, appearing before the Council, "it wes inquirit of him quhither he wald proceid and performe the condi-tioun for his part, tuicheing the reductioun of our Soverane Lordis cunyie to ellevin penny fyne, according to the contract maid with him thair-anent, and find sufficient cautioneris and souirteis for fulfilling of his part of the same," or whether he "wald oppin up, disclois, and furthschaw," to the satisfaction of the King and Council, "be quhat possibill meanis" he

"mycht accomplische the said reductioun," in which case they would accord with him without caution. "To the quhilk he answerit that the personis quhilkis anis war content to be his cautioneris for performying of the said contract wer perswadit sensyne to refuis the samyn, quhairthrow it wes not possibill to him to gett suirteis; nather culd he convenientlie disclois and furthschaw his overture of the possible meannis to wirk the said reductioun, bot wes content, gif it suld pleis his Majestie and his said Privie Counsale to assay his laubouris, that they sould put ane gaird unto him." This answer does not satisfy the Council; which, "thairfoir, declairis and findis his overture insufficient and unworthie to be ressavit, and that the same hes done hinder to the Kingis Majestie and his commoditie in his cunyehous, in tyme bipast, imputtand silence thairthrow to the said David heireftir in this behalf." Acta 1577-79. Page 282.

Stirling Castle, 26th June.

Sederunt—Domini ut in die predicto.

Synod of Clydesdale, Renfrew, and Lennox, against a relapsed Papist.

Complaint by "the haill assemblie of the ministeris of Cliddisdaill, Renfrew, and Lennox," as follows:—"Henrie Houstoun in Paislay, having twyis subscrivit and oppinlie profest the trew religioun ressavit and confermed be our Soverane Lord within this realme, incontinent eftir his solempt aith and promeis, maist weikitlie and maliciouslie maid defectioun frome the same, not onlie privatlie subverting all thame with quhome he dalie usit, bot oppinlie alsua in all cumpanyis raling aganis the treuth and all professouris thairof. Off the quhilk enormitie being accusit and convictit in thair synodall assemblie, haldin at Glasgw the tent day of Junii last bipast, he maist injuriuslie revyled the haill assemblie, calling thame all heretykis and tratouris, with mony uther unsemelie and outragious wordis; in respect quhairof, Maister Thomas Smetoun, minister of Paslay, be command of the said assemblie, eftir dew admonitionis, proceidit to the sentence of excommunicatioun aganis the said Henrie, upoun the xxii day of the said moneth. Notwithstanding, the said Henrie perseveiris mair and mair in his dissobeydience, rebellioun, and contempt of God and his Hienes, still opponing himself to Cristis religioun, and all gude ordour; and in speciall, upoun the secund day of Maii last bipast, the said Maister Thomas being diligentlie occupiit in examinyng and instructing the people for the Sacrament of Cristis body and blude, the said Henrie, of proud contumacie and intollerabill dispyte, enterit in, and did quhat lay in him to draw away the simple sort frome the doctryne of salvatioun, plainelie dissuading thame to gif ony credeit, and in ane greit reage oftintymes repeitting that the said Maister Thomas and all uther heretykis sould be hangit befoir he renunce the masse or ony part of papistrie, with sindrie uther threattining speichis; quhairby the people is brocht to ane cairles libertie, and sindrie that befoir wer privie ewill willaris ar now inbauldnit plainelie to contempne all religioun, and consequentlie our Soverane Lord, quha, under God, is cheif defender thairof."—Houstoun had been duly

ĕta 1577-79. charged to appear before the Council, "to have answerit to this complaint, and to have hard and sene sic ordour tane with him as the said Maister Thomas and all utheris may saulflie and quietlie walk in thair calling heireftir, to the incres of Cristis kingdome and salvatioun of his Hienes gude subjectis, under the pane of rebellioun;" and now, he having failed to appear, while the pursuers have appeared by their procurator, the order is that he be denounced rebel, put to the horn, and to escheat, &c.

Page 283. Supplication by Alexander Erskin of Gogar, Master of Mar, to the effect that he is still in want of "certane sowmes of money assignit to him to the furnissing of his Hienes hous the tyme that the said Alexander had the charge thairof, and awand be him to divers puir creditouris in the burgh of Striviling, and in the cuntre thairabout." There had been a recent precept of the King, commanding his treasurer, Lord Ruthven, to pay him 1000 merks from the King's casualties, and £528, 16s. 8d. from the "twa part of the abbay of Abirbrothok;" but the Treasurer "utterlie refuissis" to accept the precept. The supplication of the petitioner now being that the King would "certanelie appoint at quhais handis he sall have the said payment," and the reasons and allegations of the Treasurer, Comptroller, and General Collector, who are all present, being considered, the order is that the Treasurer do accept the precept, and pay the sums there specified. Petition of Alexander Erskine, Master of Mar.

Caution by Johnne Achesoun, master of the King's Mint, for Johnne Cheisholme, now nominated comptroller of the ordnance and artillery, that he will behave himself as a good and loyal subject, and serve faithfully in his office, under pain of £1000. Caution for John Chisholm.

Caution by Johnne Simpill of Foulwod for Johnne Bruce of Auchinbowie, that he shall not attack or molest David Somervile of Playne, under pain of £500. Caution for John Bruce.

Counterpart cautioun, in the same sum, by Edward Bruce, fiar of Kynnard, for David Somervile of Plane, that he shall not attack or molest Johnne Bruce of Auchinbowie. Caution for David Somerville.

Page 284 *Sederunt*—Robertus, Comes de Buchan; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 27th June.

Registration of band, executed the same day at Striviling, whereby Arthour Grangear, burgess of Edinburgh, and late chamberlain of Abirbrothok, binds himself to pay to Jonet Fokert, spouse of James Hathowie, burgess of Edinburgh, on or before the 1st of September next, the sum of £1021, 12s. 6d., "restand auchtand to hir, in penny and pennyworthis furneist Band by Arthur Granger of Edinburgh.

and debursit be hir to Johnne, sumtyme commendatar of Aberbrothoc." Acta 1577-79. The band, signed by Granger, is witnessed by Johnne Hay in Torrens, Alexander Hay, burgess of Abirdene, Johnne Broun, messenger, and Archibald Prymrois, servant to Alexander Hay.

Caution for John Hamilton of Auchentibber.

Caution by Johnne Blair of that Ilk for Johnne Hammiltoun of Auchintibbir, that he shall appear before the Council when required, on six days' warning, under pain of 5000 merks.

Stirling Castle, 29th June.

Sederunt—Domini ut in die predicto.

Band by William Menteith of West Kerse.

Registration of band whereby Williame Menteith of West Kers obliges himself to enter James Hammiltoun, son of Mungo Hammiltoun of Pardoven, before the Council, on 15 days' warning, to answer "tucheing the lait persute of Capitane Andro Lambie of his life, in his passing throw the Falkirk to Striviling" [*ante*, p. 126], under pain of 500 merks. Williame Menteith, burgess of Striviling, appears as the procurator for registration of the band; which is subscribed "at the Kers, the penult day of Junii," 1579, and witnessed by the said procurator and by Harie Menteith and David Ramsay. Page 285.

Stirling Castle, 30th June.

Sederunt—Domini ut in die predicto.

Certain King's tenants and William Shaw of Knockhill again.

Complaint by Robert Robesoun, James Crystesoun, Johnne Cristesoun, Johnne Gilleis, Thomas Young, and David Astoun, as follows:—Notwithstanding the decision obtained on the 2nd of June by them and others of the King's tenants of Corntoun against Williame Schaw of Knokhill [*ante*, p. 175], the defender still continues in his "formar oppressioun, be boisting of the complineris and thair servandis, breking of thair peit creillis and sleddis, and persewing of thame maist unlauchfullie, and stopping of thame in sic sort that they dar nocht for the said Williame bring hame thair awin elding." Schaw having been summoned, and both parties having appeared, the order of the Council to Schaw is "to desist and ceis fra all trubling, molesting, or impediment-making to the saidis complineris, in the peciabill leiding, casting, and away-taking of thair petis fra the said moss now in the convenient seasoun of the yeir," but to allow them to lead their peats in time coming, until the Earl of Mar (to whom, as sheriff principal of Striviling, the case had been referred by the former decision) shall take trial and cognition in the matter. Page 286.

Protest by Schaw, as before, that he is not to be prejudiced in his rights by this order.

Five of the said tenants against Sir James Stirling of Keir.

Identical decision on a similar complaint of five of the aforesaid six complainers (Gilleis wanting) against Sir James Striviling of Keir, who on 23rd, 24th, and 25th June inst., with Williame M^cIlroy, his officer, and some of his tenants and domestic servants, "in maist awfull and Page 287.

cta 1577-79. dispytfull maner brak thair sleddis and peit creillis, boistit and menassit thame, allegeing and proudlie affermyng that thay sould have na leif to caist thair elding thair, except the saidis tennentis had the same be the said Sir James Strivilingis tollerance and permissioun, quhilk they cannot aggrie unto, except they knew his Hienes and his comptrollaris mynd sa to be." Unless remedy is provided, the complainers, though tenants of the King, will be "in far war cais" than the meanest tenants in the country. The Knight of Keir and Williame M^c^gilroy, having accordingly been summoned, have the same order given them as had just been given to Schaw of Knokhill.

The Knight also protests that he is not to be prejudiced by this act.

To denounce Cunningham of Drumquhassill and eighteen others.

Order for denouncing Johnne Cunninghame of Drumquhassill, Johnne Cunninghame, his son and apparent heir, Barnet Cunninghame, James Lekie, brother of the Laird of Lekie, Andro Lekie, Robert Bonting, brother of the Laird of Ardoch, Williame Cunninghame, son and apparent
Page 288. heir of Nicolas Cunninghame, George Abirnethie, Williame Gardnar, Alexander Becartoun, Umphra Cunninghame, Patrik Layng, Williame Houstoun, George Millar, James Cunninghame, Robert Lettir in Croy, Walter Scherar, Johnne Thomsoun, and Walter Stewart, for having failed to appear before the Council on a certain day bypast, as charged, "to have answerit to sic thingis as sould have bene inquirit of thame." The order is peremptory, not only to denounce, but also to "inbring all thair movabill guidis to his Majesteis use for thair contemptioun."

Stirling Castle, 2nd July.

Sederunt—Robertus, Comes de Lennox; Andreas, Dominus Uchiltrie; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Caution for David Shaw.

Caution by Hew Kennedie of Barquhony for David Schaw, second son of the Laird of Keiris, that he shall not molest Andro Schaw of Sornbeg, and Robert Schaw, his son, under pain of £1000.

Stirling Castle, 4th July.

Sederunt—Domini ut in die predicto.

Caution for William Baillie.

Caution by Johnne Baillie in Cormistoun for Williame Baillie of Cormistoun, that he will behave as a loyal subject, will not aid or abet in any way the murderers of his Majesty's "fader and twa Regentis," and will appear before the Council when required, under pain of 500 merks. Johnne Andro subscribes for both, "becaus we can not write."

Action against Alexander Innes.

Page 289. Action at the instance of Williame, Lord Ruthven, treasurer, Mr David Borthuik of Lochill, and Robert Creichtoun of Eliok, King's advocates, and Alexander Hay, director of the chancellary, against Alexander Innes of Coxtoun, touching "the remitting of ane actioun depending befoir the Lordis of Sessioun, of reductioun of ane presentatioun and infeftment

following thairupoun of the landis of Tullymad and Bullersbuchane, with the heavin, craigis, and fischeing thairof, and thair pertinentis, liand within the barony of Slanis and sherefdome of Aberdene, to be decydit be our Soverane Lord and Thre Estaittis in Parliament." Hew Tod appearing for the pursuers, and Mr Henrie M^cCalyeoun for the defender (who is personally present), the Lords continue the matter to the 8th of August. Acta 1577-79

Stirling Castle, 7th July.

Sederunt—Robertus, Comes de Lennox; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Caution for Beaton of Melgund and others.

Caution by James Betoun of Creich for David Betoun of Melgund, and by the latter for James Betoun, his son and apparent heir, George Bellie, his servant, and Williame Wat and George Bellie at the Mylne of Melgund, that they will not assault or molest Mr James Fothringhame in Carsbank, the first-mentioned under the penalty of 1000 merks, the second under 500 merks, and each of the others under 300 merks.

Stirling Castle, 9th July.

Sederunt—Andreas, Comes de Rothes; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator.

Charge to Lord Seton, concerning a certain coffer and goods which had been arrested by him, and ordering the production of articles of furniture and upholstery which had belonged to Queen Mary.

Supplication of Williame Lyndesay in Restalrig, as follows:—George, Lord Seytoun, owed him the sum of £800 Scots, for payment of which there had been arrested "ane coffer and certaine guidis being thairin," belonging to the said Lord Seytoun. The King had taken occasion lately "to writ to the said Lord Seytoun for payment to the said Williame of the money for quhilk the said coffer and guidis being thairin wes laid in pledge," and had also written to James, Earl of Mortoun, for the "inventar of his Hienes movabillis quhilkis appertenit to the Quene, his Hienes dearest moder, to be conferred with the inventare of the graith being in the said coffer, that sa meikle as belangit to his Majestie mycht be intromettit with to his Hienes use, and the rest to be apprisit and deliverit to the said Williame in payment of the said sowme awand to him be the said Lord Seytoun." The supplication now is that the matter may be settled; which is done accordingly thus:—The inventories having been compared in the presence of the King and the Council, Lord Seytoun is charged to appear on the 21st instant, under pain of rebellion, to hear and see command given him "to deliver the said coffer and guidis and graith being thairin, to be apprisit and deliverit to the said Williame Lyndesay in payment of the said dett," or else to show cause to the contrary. He is also charged to "bring and exhibit" before the Council on that day certain movables belonging to his Majesty, "ressavit be the said Lord fra Servais de Condie, Francheman, havand the charge of the custody and keiping of the same for the tyme," to the effect that the same may "be placit in his Hienes gardrobbe." The articles are—"Half ane littair of crammosyn velvote, Page 290.

Acta 1577-79. freinyeit with gold and silk; twa litill fute mantillis of the same velvote, freinyeit with gold and crammosin silk; ane bed of violet velvote, garneist with ruif and heidpece; thre single pandis, freinyeit with violet silk; thre courtenis of violet dames, and a covering of gray taffiteis steikit; ane bed of blak figurit velvote, garnisit with the ruif, heidpece, and thre single pandis, thre under pandis, and thre courtenis of taffiteis, all enrichit with pasmentis of gold and silvir, and freinyeit with gold and silver; and a buirdclaith of blak velvote, garnissit in lyk maner and lynit with bukrum."

Page 291. *Sederunt*—Domini ut in die predicto. Stirling Castle, 13th July.

Caution by Johnne, Lord Maxwall, for himself as principal, and by Roger Kilpatrick of Closeburne, Robert Maxwall of Cowhill, and Mr Robert Douglas, Provost of Lincluden, as his sureties, that he will, within three days, "entir his persoun in ward within the toun of Dundie, and remane thairin and twa myles about the same," till duly liberated, under pain of 20,000 merks. Caution for Lord Maxwell.

Sederunt—Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 14th July.

Complaint of Alexander Portarfeild, son and apparent heir of Williame Portarfeild of that Ilk, as follows:—The place and fortalice of Duchall, in Renfrewshire, belongs to him heritably; and, the said place being "detenit and withhauldin without ony rycht or caus fra him be James, Maister of Glencarne," he had obtained a decree requiring the said Master of Glencarne to remove from the place before Whitsunday 1578. Nevertheless, the petitioner is still debarred from possession of the place, "under cullor and pretence" of the deliverance of the same to the Master of Glencarne, "as assignay constitute be the Erll of Angus, principall donatour of the escheit of his said fader." It is true there had been such a delivery of the place by the petitioner's father in March 1577, in obedience to letters obtained to that effect by the Master of Glencarne, upon a representation made by him to the late Regent Mortoun that "divers of the escheit guidis" were "keipit and haldin in the said place." But now, "seing that all the saidis escheit guidis ar of lang tyme bigane intromettit with and uptaikin, and that caus removed for the quhilk the said place wes deliverit," the Page 292. petitioner pleads that he "aucht not to be debarrit thairfra," nor prejudiced in his heritable right, he being innocent of the offence done by his father. He prays, therefore, that the house be delivered to him without delay; which is "sa decayit that, without it be haistilie repairit, it will schortlie alluterlie fall doun, to the greit hurt and scaith of the said Alexander and his tennentis of his landis, beside the samin having nane to keip gude ordour and reule amangis thame." Also the withholding of him from the Alexander Porterfield against the Master of Glencairn and others.

said house "may tend to the inquietatioun of the gude and peciabill subjects" by the resetting therein of rebellious and disobedient persons. Summonses in due form having gone out to James, Master of Glencarne, and to Johnne Cunninghame of Glengarnok, and others withholding the place and fortalice of Duchall from the petitioner, and the petitioner having appeared by Robert Houston as his procurator, while no appearance has been made by or for the Master of Glencarne or Cunninghame, the order now is that these two be denounced and put to the horn, "becaus they, being lauchfullie chairgit to have deliverit the said place of Duchall," or to have shown reasonable cause to the contrary, had done neither. Acta 1577–79.

Prorogation of the stamping of the silver money.

The stamping the 30s., 20s., and 10s. pieces, with the testanes, prorogued to 20th October next [see *ante*, p. 158].

Order for Beaton of Creich.

Archie Armstrang, son of Lancie Armstrang of Quhithauch, pledge, is removed from the keeping of Betoun of Creich, who is to receive Francie Armstrang, the brother of the said Archie, instead, and keep him in safe custody, under the pain of £2000. Page 293.

Caution for Neil Montgomery, younger.

Caution by Hew Kennedy of Barquhonie, and Adame Quhitfurde, younger, of Mylnetoun, for Neill Montgomerie, younger, of Langschaw, that he will abstain from illegal shooting with "culveringis, dagis, pistolettis, or utheris ingynis of fyre werk," under penalty of £1000.

Two defaulters of dues in Irvine.

Complaint by the provost, bailies, council, and community of Irvine that, whereas the late Regent Mortoun had granted to them, "for bigging, beting, and mending of the heavin and harberie of the said burgh," the duties of the great customs of the said burgh for the space of five years, extending yearly to 20 merks, yet Williame Scot, one of the customers, who owes 50 merks for his part of the said custom, and Hew Scot, another of the said customers, who owes 10 merks, refuse to make payment. The defaulters having been already ordered to pay within six days, or else to appear personally before the Council and show cause to the contrary, and no appearance having been made by or for them, while the complainers appear by Alexander Young as their procurator, the peremptory order now is that the defaulters do pay within six days, under pain of rebellion and horning. Page 294.

Stirling Castle, 18th July.

Caution for William Forret.

Caution by Hugh Kennedy of Barquhany in £1000 for the good behaviour of Williame Forret; his non-complicity with the two Hamilton lords, or others who may be declared traitors for the "murthouris of his Majesteis umquhile fader and twa regentis;" and his appearance, if required, on fifteen days' warning if within the realm, and sixty days' warning if "furth of the samin:" James Colvile of Eistar Wemys binding himself to relieve Kennedy of the risk.

Acta 1577-79.

Sederunt—REGE PRESENTE—Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; David, Commendatarius de Dryburgh; Computorum Rotulator. Stirling Castle, 20th July.

George Harrat, bailie of Breichin, Mr Thomas Bowsie, common clerk there, James Thane, Mr Johnne Cokburne, David Materis, Andro Udny, Thomas Low, cordiner, and Williame Brysoun, sadler, have been charged to appear and answer to a complaint made by Williame Wilsoun and Alexander Glen, indwellers in Kincraig, beside Breichin, "anent the violent putting of handis in thame, and geving of thame mony bauch strekis, taking of thame prissoneris, and laying of thame in stokis within the tolbuith of Breichin." All the defenders having appeared before the Council in obedience to the charge, with the exception of Mr Thomas Bowsie and Andro Udny, and Mr Johnne Hepburne, minister of Breichin, having appeared for Udny, testifying him "to be diseasit, unabill to travell," the order is that Mr Thomas Bowsie only be denounced rebel. Mr Thomas Bowsie, Clerk of Brechin, denounced.

Page 295.

Caution at the same time by Hew Kennedy of Barquhony for Alexander, Bishop of Breichin, that he "nor na utheris that he may lett" shall molest the said Williame Wilsoun and Alexander Glen, under pain of 500 merks. Caution for the Bishop of Brechin.

Also caution to the same effect by the said Bishop of Breichin for the said George Harrat and Mr Johnne Cokburne, and by these two again for James Thane, David Materis, Andro Udny, Thomas Low, and Williame Brysoun, each under pain of 300 merks. Caution for seven others in the same matter.

Sederunt—Jacobus, Comes de Mortoun; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth. Stirling Castle, 4th August.

Page 296.

The ordinance forbidding persons who attend the King on public occasions to feed their horses in the park of Striviling is re-enacted [*ante*, p. 20]. The penalty, however, is made more severe, as offenders are to be "puneist for thair contempt in exampill of utheris, and thair horsis confiscat, hochit, or thair taillis cuttit, as the capitane of the castel of Striviling and keiparis of the park sall think maist expedient." Repetition of order against feeding horses in the Park of Stirling.

Sederunt—Domini ut in die predicto. Stirling Castle, 5th August.

Caution by David Hume of Fischewik, that he will present Williame Gibsoun, son of George Gibsoun, writer, burgess of Edinburgh, before the Council when required, on six days' warning, under pain of 500 merks. Caution for William Gibson.

Complaint by Master Williame Gray, minister at Ferne, as follows:—On the 5th of July last, "he beand in the Kirk of Ferne, pricheand the word Stirling Castle, 6th August.

Mr William Gray, minister at Ferne, against Robert Lennox.

of God to the parochineris, and eftir the sermon wes done cuming furth of the pulpett to celebrat the sacrament of the Lordis Suppar to thame, hoiping to have found na stop nor impediment," Robert Lennox in Schaufurd, "in ane greit furie and reage, come to the said Maister Williame with ane drawin quhinzear in his hand, struik him thairwith, and hed not faillit to have slayne him, gif God and the remanent of the parochineris then present hed not stayit the said Robert." The only reason for the outrage was "because, amangis utheris vitious personis, the said Maister Williame commandit him to abstene fra ganging to the tabill of the Lord at that tyme, he being knawin to be ane adulterar and fornicatour, and hed continewit in that abhominabill syn divers yeiris bigane without repentance; quhairfoir the said Maister Williames conscience wald not permit him to suffer the said Robert abuse the Sacramentis, nor to have ony cumpany with the remanent of the saidis parochineris, unto sic tyme as he had maid publict repentance and satisfactioun to the Kirk." The outrage complained of is not only to the contempt of God and the King's authority; but, if unpunished, it "will not faill to gif bauldnes to utheris proud and weikit personis to commit the like or gretar enormiteis, quhenas the ministeris of Cristis trew evangell dar not for feir of thair lyvis priche Godis word and minister the sacramentis nor crave dew puneisment upoun transgressouris."—Accordingly, the said Robert Lennox had been duly summoned to appear before the Council and answer to the complaint, with the usual certification if he failed; and now, the complaining clergyman appearing by Johnne Dunkesoun, minister, as his procurator, but the said Robert Lennox not appearing, the order is that he be denounced rebel and put to the horn and to escheat, etc.

Acta 1577–79.

Page 297.

Stirling Castle, 7th August. Convention of Estates. Business in the coming Parliament.

A sederunt of the Estates, consisting of eight Earls, ten Lords, and eleven persons of ecclesiastical rank, for deliberating whether it would be proper and usual to issue new summonses for treason against certain persons already summoned "to be forfaultit" in the Parliament proclaimed to be held at Edinburgh on the 20th of October nixt, such new summonses to be for another place and an earlier day. It was decided that it would not be according to custom, and that it was expedient that the Parliament should "hald furdwart" at the time and place proclaimed, the King and his Court to remove from Striviling to Edinburgh, God willing, on the 24th of September, to be ready for the same. [See the sederunt and the formal decision in the Acts of Par., iii. 187–188].

Page 298.

George Herries and others against Alexander Watson and Lord Gray.

George Hereis, eldest son, with "the remanent bairnis, kin, and freindis," of the late Alexander Hereis in the Kirktoun of Esse, had obtained letters denouncing Alexander Watsoun rebel for the "cruel slauchter of the said umquhile Alexander." They had also obtained letters of caption, commanding sheriffs, and especially the Sheriff of Forfar, to apprehend Alexander Watsoun and present him before the Justice to be tried for his demerits. The pursuers, however, find that the said offender is

Acta 1577-79. maintained and reset at Fowlis and Burchtie, where he makes continual residence with his father, Patrick, Lord Gray; who thereby "hes violat and contravenit that part of the tennour of the generall band maid to his Hienes, and incurrit the panis contenit in the same."—Lord Gray having been warned to appear, and he and the principal pursuer, George Hereis, being both personally present, the Lords now remit Lord Gray to be pursued before the Judge Ordinary for his past reset of Watsoun since
Page 299. the time of denunciation, and also ordain him not to reset or maintain the rebel in time coming, under pain of being reputed and punished as art and part with him in his crime.

Sederunt—Domini ut in die predicto. [Still a Convention of Estates.] Stirling Castle, 8th August.

Order for enforcing an Act of the last Parliament for the Reformation of the Scottish Universities, with especial reference to the University of St Andrews: Commission to that effect enlarged.

"Forsameikle as our Soverane Lord and his Thre Estaittis convenit in his last Parliament, considdering that the Universiteis of this realme appointit for the educatioun of the youth, quhilk suld be the seid of gude learning and maneris, being richtlie fundat alsweill in rentis as provisioun of maisteris and bursaris, war notwithstanding misusit be particular personis to thair awin advantage, without respect of the educatioun of the youth in vertew and gude letters, regairding na thing the commoun weill of this realme; thairfoir his Hienes, with avise of his saidis thre Estaittis of Parliament, gaif, grantit, and committit full power and commissioun to certain nobill, reverend, and worschipfull personis, specifiit in the Act of Parliament maid thairanent [*see* the Act, of date July 1578, as printed in the Acts of Parliament, vol. iii. p. 98], to visie and considder the fundationis and erectionis of the Universiteis and Collegis within this realme, with full power to reforme sic thingis as soundis to superstitioun, ydolitrie, and papistrie, and to displace sic as ar unqualifiit and unmeit to discharge thair offices in the saidis Universities, and to plant sic qualifiit and worthie personis thairintill as they sall find gude and sufficient for the educatioun of the youth, and conform to the commoun weill of this realme: Quhilkis personis swa appointit war ordanit to convene and put the said Act and Ordinance to dew executioun in all pointis, and to have reportit thair proceidingis at ane certane day bigane [to wit, by the Act, on the 1st of Jan. last]: Quhairin na thing is yit performit; and now, the mater being newlie rememberit and movit unto his Majestie and his Secreit Counsale be directioun of the Generall Assemblie of the ministrie, specialie thinking the Universitie of Sanctandrois meit to be reformit, and that the provestis and maisteris of the Collegis thairof mycht be causit produce the fundationis and erectionis of everie College within the said Universitie, to be considderit and the Universitie reformit as effeiris: —His Hienes, with avise of the Lordis of his Secreit Counsale, hes thairfoir ordanit and commandit the maisteris of the Collegis within the Universitie of Sanctandrois to be in Edinburgh upoun the first day of September nixt to cum, with the fundationis of thair Collegis, to be sene and considderit, that ordour may be taikin for the reformatioun of the

said Universitie be sic as the said wark is committit unto be the said Act of Parliament, viz., Patrik, Archibischop of Sanctandrois, James, Archibischop of Glasgow, David, Bischope of Abirdene, Robert, Erll of Lennox, Robert, Erll of Buchane, Maister Andro Melvile, and Maister Petir Young; quhomeunto his Hienes hes now adjonit, be avise of his said Counsale, Robert, Commendatar of Dumfermling, his Majesteis secretar, Maister George Buquhannane, pensionar of Corsragwell, his Majesteis preceptor, Mr James Halieburtoun, provest of Dunde, and Maister Thomas Smetoun, minister of Paslay: to the quhilkis haill personis befoir nominat, or to ony sex, five, or foure of thame, conjunctlie, his Majestie and his said Secreit Counsale hes grantit and gevin, and be the tennour heirof grantis and gevis, the power abonewrittin, specifiit in the said Act of Parliament, to visie and considder the saidis fundationis and erectionis, reforme sic thingis as soundis to superstitioun, ydolitrie, and papistrie, displace sic as ar unqualifiit and unmeit to discharge thair offices in the saidis Universiteis, and to plant sic qualifiit and worthie personis thairintill as they sall find gude and sufficient for educatioun of the youth, to redres the forme of studyis and teicheing be fewar or ma professouris, to joyne or devide the Faculteis, to annex everie Facultie to sic collegis as salbe fund maist propir, and generalie to establische sic ordour in the said Universitie as sall maist tend to the glorie of God, proffeit of the commoun welth, and gude upbringing of the youth in sciences neidfull for continewing of the trew religioun to all posteriteis: ferme and stabill haldand and for to hald all and quhatsumevir the saidis Commissioneris or ony sex, five, or four of thame, in the premissis lauchfullie leidis to be done."[1] Acta 1577-79. Page 300.

Attestation to the Mar family.

In view of the approaching departure of the King from Striviling Castle, where he has resided "almaist continewallie sen his birth" under the tutelage of the Mar family, Johnne, Earl of Mar, has requested an attestation from the King and Estates that his father (the late Earl), his mother, his uncle (Alexander Erskine of Gogar), and himself, have in all points performed their duty in this tutelage and in the keeping of the Castle. The attestation is granted in the fullest terms. [It will be found printed in the Acts of the Scottish Parliaments, vol. iii. pp. 188, 189]. Page 301.

Stirling Castle, 12th August.

Sederunt—Domini ut in die predicto. [Still a Convention of Estates.]

Renewed Revocation of all grants out of the King's property in his minority.

Renewed Revocation of all gifts and pensions made out of the King's property, casualty, thirds of benefices, etc., by his Regents during his Page 302.

[1] As mentioned in the entry itself, this matter of the Reformation of the Universities had been moved to the King and Council by the late General Assembly of the Kirk, which sat at Edinburgh in July 1579. Mr Thomas Smeaton, minister of Paisley, who is now added to the Commission for University Reform, was Moderator of that Assembly; but Andrew Melville had been the moving spirit. The Assembly had been requested by the King to abstain, as far as possible, from questions of Church Polity, a Parliament being at hand; and there had been compliance with this request to a certain extent, though not completely (Calderwood, iii. 443–456). In the matter of University Reform the Government did not so much object to go along with the Kirk.

Acta 1577–79. minority, or by himself since his assumption of the government. [This Act of the Estates was ratified in the coming Parliament at Edinburgh, Nov. 11, 1579, and it will be found, incorporated verbatim with that Ratification, in the printed Acts, vol. iii. pp. 148–150.]

Page 303. *Sederunt*—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Robertus, Comes de Lennox; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Robertus, Comes de Buchane; Patricius, Dominus Lyndesay; Willelmus, Dominus Ruthven; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Willelmus, Dominus Yester; Robertus, Commendatarius de Dumfermling; Jacobus, Commendatarius de Sanctcolme; Adam, Commendatarius de Cambuskynneth; David, Commendatarius de Dryburgh; Willelmus Murray de Tullibarden, miles, Computorum Rotulator. Stirling Castle 13th August. [Apparently the remains of the Convention of Estates].

Page 304. Complaint by Marioun Creychtoun, relict of Mr George Creychtoun of Cluny, as follows:—On the 8th of July 1578, Adame Creychtoun, younger, of Ruthven, came "under silence of nycht" to her place of Cluny, raised fire, broke up her gates and doors, "and in end rewischit and tuke away" to Ruthven Margaret Creychtoun, her eldest daughter, and another woman, called Margaret Creychtoun, believing her to have been Marioun's younger daughter. After he had detained them at Ruthven for six weeks, the complainant, "feiring hir said dochteris life, to quhome, in cais of deceis of hirself and hir sister, scho hes providit the said Adame to succeid to hir landis, and for feir of violating of hir said dochtiris virginitie, and uther inconvenientis, seing the state of our realme in truble for the tyme, and that scho culd find na remeid be ordour of justice," had been constrained to promise the said Adame 3600 merks for relief of her daughter. In August last, the date of the contract, she had paid 600 merks, and had become bound, with Andro Abircrumby of Urquhart, and Nicoll Scot, burgess of Edinburgh, for her cautioners, to pay 2000 merks more last Whitsunday, and the remaining 1000 merks next Martinmas, to James Creychtoun, son and apparent heir of the said Adame. She has accordingly been charged by Adame Creychtoun, by letters in the four forms, "quhilkis ar suspendit be the Lordis of Sessioun, upoun cautioun, to ane day, in cais they ordane hir to mak payment upoun sic ane compellit contract, maid for sa ungodlie ane caus." She now pleads to the Council against "this unworthie handilling," inasmuch as she is "ane gentilwoman, and that the said contract is utterlie unlauchfull, and ane example pernitious in ony commonwele."—The offender had been duly summoned; and now, the complainer appearing by Johnne Schairp, her procurator (who produced letters of horning against Adame Creychtoun for not delivering to Marioun the two women), and Adame Creychtoun appearing by Mr Henrie Balfour, his procurator (who "tuke instrumentis that he wes stoppit to use his lauchfull defenssis be the productioun of the saidis letters of horning"), the Lords ordain Adame Creychtoun to be Marion Crichton of Cluny against Adam Crichton, younger, of Ruthven.

denounced rebel for not having appeared personally before them and brought the foirsaid contract with him in order to reduction; and they also "require the Lordis of Counsale and Sessioun to lett the said actioun of suspensioun rest and ly owir in the present estait quhill the said Adame be tryit foule or clene, be ordour of justice, of the said fire raising and revissing, that sic inordinat cryme eschaip not unpuneist." Acta 1577–79. Page 305.

Protest in this case.

Protest by Umphra Cunninghame, commissary of Striviling, that James Creychtoun shall not be prejudiced by anything in this decision against his father.

Lord Seton and the missing moveables of Queen Mary.

Reference to the case of William Lyndesay in Restalrig against George Lord Seytoun, with recitation of the former Act of Council of July 9, ordering Lord Seytoun to appear and see delivered to Lyndesay certain goods arrested in pledge for a debt of £800, and also to bring with him certain articles of furniture, etc., that had belonged to Queen Mary, and were now missing [*ante* p. 194]. Lyndesay and Mr Robert Creychtoun, King's Advocate, having appeared, and Lord Seytoun appearing by Mr Johnne Preston, his procurator, the Lords now, with the consent of Mr Preston, ordain the provost and bailies of Edinburgh "to deliver the said coffer, and guidis and geir being thairin, to be apprisit and deliverit to the said Williame Lyndesay in payment of the said debt." In the matter of the movables that had belonged to Queen Mary, Mr Prestoun having alleged that Lord Seytoun had delivered them, with certain other movables and graiths belonging to the Queen, by her own command, to Balhazar Hussie and Jehane de Cawdie, valets in her chamber, "at hir being in Hammiltoun eftir hir cuming from Lochleven," the Lords find the allegation relevant, and appoint the 21st of August next to Mr Preston for proof of its truth. Page 306.

Again, in the case of William Wilson and Alexander Glen against George Harrat, Bailie of Brechin, and others.

Reappearance, in fuller form, of the complaint by Williame Wilsoun and Alexander Glen, in Kincraig beside Breichin, which had been before the Council on the 20th of July [see *ante*, p. 197]. The complaint now is as follows:—On the 29th of June last, when the complainers were in Breichin, "doand thair lesum effairis and besines in the mercat," Alexander, Bishop of Breichin, George Harrat, baillie of Breichin, James Grahame, Williame Grahame, Johnne Bey, Johnne Dow, servants to the said bishop, with James Thayne, David Foulartoun, David Matheris, Hew Matheris, Williame Brysoun, saddler, Matho Dempstar, Andro Dempstar, Johnne Chapman, cordiner, Johnne Stevin, baxter, Mr Johnne Cokburne, Thomas Rorie, George Ferriar, George Lowrie, Johnne Matheris, burgesses of the said burgh, Williame Wilkie, Johnne Brocas, and Williame Kid, their officers, Johnne Reid, tailor, Thomas Low, cordiner, Thomas Will, cordiner, Thome Muresoun, tailor, Alexandar Wobstar, saddler, Johnne Duncane, baxter, Johnne Smyth, cordiner, Johnne Craig, cordiner, David Croyll, cordiner, Richart Thomsoun, Johnne Cokburne,

Acta 1577–79. David Watt, cordiner, and James Wat, cordiner, and divers others, all at the instigation and "hounding" of the said Bishop, came to the house of Robert Kynneiris in Breichin, where the complainers "war sittand at
Page 307. thair dennar eftir they had endit thair marcatt," and there, without any cause, "maist cruellie and maisterfullie put violent handis in the saidis complineris, dang thame with mony bauch strekis, tuke thame prissoneris to the tolbuith of Breichin, and layd thame in the stokis; and thaireftir they tuke fra the said Williame Wilsoun £40, 6s. of money, togidder with thair hattis, plaidis, swirdis, quhinzearis, and uther geir that they had, worthie the sowme of £100, and keipit thame prissoneris in thair tolbuith all nycht." The next day the complainers were brought up in court before the said Bailie Harrat and others, and accused of troubling the peace of the town, "althouch thair wes na motioun of truble maid be thame, nor na wapoun drawin." They had protested against the competency of the court, but had still been detained in prison, "except they wald fulfill sic conditionis and injunctionis as nother his Hienes lawis, custume, gude ordour, nor conscience allowis." Upon the 1st July Johnne Erskin of Logy had offered to be caution for the pursuers, in 1000 merks or more, that they would appear before the said Bailie Harrat when required; but the offer had been refused. Erskin had then desired Mr Thomas Bowsie, town clerk of Breichin, to extract, at the expense of the complainers, the whole process led by them in the matter, that they might produce the same before the King and Council, "to informe thame the bettir of the oppressioun done;" but even this had been refused by Mr Bowsie. The complainers, accordingly, have come direct to the King and Council, representing "that, gif this forme of oppressioun be sufferrit to be usit in ane incuntrie, it sall not onlie be the wrak of sindrie his Majesteis puir subjectis, bot sic abuse sall grow in this realme, to the gret contempt of his Hienes and his authoritie, as the incuntrie in effect salbe war nor the Hielandis or Bordouris."—To answer this charge all the parties complained against, the bishop excepted, had been duly summoned; and now, the two complainers appearing personally, and the said George Harrat and Mr Johnne Cokburne appearing for themselves and the other defenders, the Lords of Council, after hearing parties, decide [1] that, "in respect of ane act producit for the part of the saidis defendaris, convicting the saidis complineris of trubling of the said toun of Breichin
Page 308. and of divers utheris crymes specialie mentionat thairin," the defenders did no wrong in imprisoning them, and are therefore to be assoilzied from that part of the charge; [2] that the part of the charge "tuicheing the spoliatioun of the saidis complineris claithis, money, and geir," be pursued in civil form before the ordinary judges.

Petition of Countess of Cassilis, now wife of Lord John Hamilton.

Supplication of Dame Margaret Lyoun, formerly wife of Gilbert, Earl of Cassillis, and now wife of Johnne Hammiltoun, Commendator of Abirbrothok, as follows:—After her present husband had been put to the horn, it had pleased his Majesty, "of his speciall grace, favour, and petie," to

grant to her the escheat of all her own movables, and of all dues from lands belonging to her by disposition or decease of her former husband. Since then, however, her present husband had been relaxed from the process of horning, so that the favour granted her cannot "tak sic gude effect as his Majestie menit." Her petition, therefore, is that, in view of the forfalture shortly to be led against her present husband, steps may be taken to make good to her the intended favour, and secure that her rights shall not suffer by the forfalture, she being perfectly innocent of all offences with which her present husband may be charged.—The decision is that she "sall peciabillie enjoy the landis, rentis, and possessionis quhairin she is infeft, and to the quhilkis scho hes richt be hir said first husband," and that she shall not be prejudiced by the process of forfeiture to be led against her present husband, and may have renewed security from his Majesty to that effect if need be, provided she shall not "ressett, supplie, or fortifie ony of his Hienes rebellis quhilks are declairit, or sal happin heireftir to be declairit, culpable and giltie of the murthouris of his Hienes umquhile dearest fader, guidsire, and uncle, his Hienes Regentis." Acta 1577–79.

Stirling Castle, 14th August.

Sederunt—Domini ut in die predicto.

Suspension of letters of horning against George Mortimer and others.

George Mortimer, George Croyll, and Johnne Spalding represent that, on the complaint of James Fothringhame of Carsbank, accusing them of having entered his house of Carsbank by force, seized his writs and goods, and ejected him, his wife, and bairns, on the 14th of June last, letters had been obtained against them, charging them, "at the place of Melgound," to appear and answer before the Council, and that further, for their non-appearance, he has now obtained, or means to obtain, letters denouncing them and putting them to the horn. Their plea is that, as they "remane nor dwell not at the said place of Melgound, bot onlie are puir men repairand to and fra in the cuntrie for wynning of thair leaving and sustentatioun be thair dailie laubouris to sindrie personis," they had not received, and consequently had not disobeyed, any summons. Having also now found surety for their appearance when required, they pray that the said letters of horning against them may be suspended simpliciter. Parties having been cited, and the defender Fothringhame having failed to appear, while the complainers do appear, the suspension is granted in the meanwhile. Page 309.

Caution for Mr John Hay, a Jesuit.

Caution by Williame Hay of Delgatie in £1000 that Mr Johnne Hay, Jesuit, his brother, shall go abroad, "wind and wedder servand," before the 1st October next, and that he will do nothing meanwhile "offensive to the trew and Cristiane religioun" established.

Lady Borthwick's acquittance to her husband.

Mr Thomas Craig, advocate, appearing as procurator for Dame Grissell Scot, Lady Borthwick, desires and obtains registration in the Council books of a document executed by her at Edinburgh on the 4th instant, Page 310.

ta 1577-79. to this effect:—She acknowledges having received from her husband, Williame, Lord Borthwick, the sum of £351; and, in consideration of this payment, she gives him full discharge, to the said 4th of August inclusively, of all owing to her in virtue of the decree of the Council [*ante*, p. 35] ordering him to pay her an allowance of 30s. daily. She also consents, in consideration of the same, that he be relaxed from all letters or processes of horning raised or used by her in past time against him for not observing the said decree. The document, in which Thomas Craig, Johnne Prestoun, and William Harvy are appointed her procurators for the registration, is subscribed by herself, before George Prestoun of Camroun, Gilbert Lauder of Quhitslaid, Mr Williame Hart, and Mr Williame Harvie, advocates, Mr Johnne Prestoun, and Andro Borthuik.

Page 311. After trial "of the sufficiencie" of the persons following "to serve his Hienes in tyme cuming as ordinar gunnaris, meltaris, wrychtis, quheill makaris, smythis, and powder makaris," it is ordained that their names and monthly wages shall be registered in the books of the Council, and that extract from such register shall be as good "as gif his Graces speciall gift under the privie sele war obtenit be thame"—the treasurer to pay to them their wages every month, and their entry in their offices to date from August 1, 1579, "and sa furth yeirlie during thair liftymes." There follow "the names of sic as ar admittit to the places foirsaidis," viz.:— Stirling Castle, 15th August. Wages of persons serving the King as gunners, melters, wrights, wheelwrights, smiths, and powder-makers.

"Johnne Cheisholme, comptrollar and secund persoun of the artail-yeirie, taikand in the moneth x ℔. iii ß. iiii ₫., and in the yeir j°xxii ℔.

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MELTARIS.

David Rowane, maister meltar, in the yeir, xl ℔.
Alexander Hunyman, in the moneth vi ℔., [in the year] lxxii ℔.

WRICHTIS, STOKMAKARIS, AND QUHEILL MAKARIS.

James Hectour, monethlie, viii ℔. [x] ß., in the yeir, j°ii ℔.
Frances Mansioun, in place of umquhile Andro Mansioun, his fader, monethlie, vi ℔., in the yeir, lxxii ℔.
James Murray, wrycht, in the moneth, vi ℔., in the yeir, lxxii ℔.
Robert Robesoun, wrycht, in Striviling, monethlie, v ℔., yeirlie, lx ℔.
James Repnoche, wrycht and gunnar, monethlie, v ℔., yeirlie, lx ℔.
James Scheves, quheill maker, monethlie, vi ℔., yeirlie, lxxii ℔.
Johnne Steuart, wrycht, monethlie, v ℔., in the yeir, lx ℔.
Hewgait Daneilzie, monethlie, v ℔., in the yeir, lx ℔.

SMYTHIS AND GUNNARIS.

Johnne Beikartoun, smyth, monethlie, vi ℔., in the yeir, lxxii ℔.
Quintene Bikartoun, his sone, monethlie, v ℔., in the yeir, lx ℔.
Johnne M°Bane, in Striviling, monethlie, v ℔., in the yeir, lx ℔.
Adame Hammiltoun, smyth, monethlie, v ℔., in the yeir, lx ℔.

GUNNARIS AND PULDER MAKARIS. Acta 1577-79.

Michaell Gardinar, monethlie, vi li., in the yeir, lxxii li.
Archibald Cunninghame, monethlie, vi li., in the yeir, lxxii li.
Robert Gardinar, gunnar, monethlie, v li., in the yeir, lx li.
Archibald Gardinar, monethlie, v li., in the yeir, lx li.
Ambros Galloway, monethlie, v li., in the yeir, lx li.
Jacques Gilyeam, monethlie, v li., in the yeir, lx li.
Archibald Steill, monethlie, iiii li., in the yeir, xlviii li.
Cristell Gardinar, monethlie, iiii li., in the yeir, xlviii li.

Summa of the haill waigis of the personis contenit in this roll in the yeir extendis to j^{m}v^{c}xxiiii li."

Stirling Castle, 17th August.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Robertus, Comes de Levinax; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Georgius, Episcopus Moraviensis; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Justiciarie.

The Earl of Argyle elected and admitted Chanceilor.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secreit Counsale, Coline, Erll of Ergile, being electit and admittit Chancellar of this realme, gave his aith for dew and lauchfull administratioun in the said office in tyme cuming, as effeiris." [1]

Caution of James Wetherspoon.

James Wethirspune of Brighous, as principal, and Williame Lauder of Haltoun, as his cautioner, become bound in £2000 that Wethirspune shall pay to Harie Drummond of Ricartoun £100, on Martinmas day next, the 11th of November, in the tolbooth of Edinburgh, between the hours of ten and eleven in the forenoon, for behoof of Williame Sandeland and Thomas Hart, "in full contentatioun and assythment for the hurting, mutilatioun, and making thame impotent," or else shall re-enter himself as a prisoner in the said tolbooth on the said day. Page 313.

Stirling Castle, 18th August.
Crugleton Castle and Lady Ochiltrie.

Caution by Sir Lewis Bellenden of Auchnoule, justice-clerk, in £1000, for Mr Robert Steuart, Malcolme Baillie, Johnne Baillie, George Martine, Johnne Martine, his son, Johnne M^{c}Conell, Johnne M^{c}Kie, Johnne Steuart, burgess of Quhitherne, and Dowgall Sinclair, that they shall deliver the castle of Crugeltoun to Margaret Stewart, Mistress of Uchiltrie, on or before the 31st inst. [see *ante*, p. 141].

[1] This election of the Earl of Argyle to the Chancellorship, usually mentioned in histories as having taken place immediately after the death of the late Chancellor Atholl, though in reality there was an interval of four months, was regarded as the consummation of the agreement between Argyle and Morton.

cta 1577-79. Caution, in £1000, by Alexander Durhame, burgess of Striviling, for the good behaviour of Williame Henrysoun, sometime constable-depute, and for his appearance when required on fifteen days' warning. Stirling Castle, 19th August. Caution for W. Henryson.

Page 314. *Sederunt*—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Robertus, Comes de Lennox; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 24th August.

Johnne Johnnestoun of that Ilk, having been appointed warden and justice within the bounds of the West Marches for "apprehensioun and puneisment of thevis, tratouris, and malefactouris, owthir aganis the gude peax and amitie standing betuix his Hienes and his dearest suster the Quene of England, or his awin peciabill and gude subjectis," proclamation is ordered at the market cross of Drumfreis and other places needful, charging the inhabitants within the bounds of the West Wardenry to obey the said Warden, and assist him in every way, at their peril.[1] Johnston of that Ilk made Warden of the West March.

Supplication by Alexander Ogilvie of Boyne, as follows:—A contract had been made at Edinburgh, on the 3rd of May 1566, "be the Quene, his Majesteis dearest moder, with consent of his Hienes father for his interes, with Robert Betoun of Creich, for Marie Betoun, her familiar servitrice for the tyme, on the ane part, and the said Alexander Ogilvie on the other part." This contract had been "anent the solempnizatioun of mariage betuix him and the said Marie Betoun," and his Majesty's said dearest mother had undertaken by it to cause the late George, Earl of Huntlie, Archibald, Earl of Ergyle, James, Earl Bothwell, James, Earl of Murray, and Johnne, Earl of Athole, to become cautioners for the said Ogilvie, relieving him, his heirs, and assignees, "of the rycht of his mariage, single and dowbill availl thairof, and proffeittis that mycht follow thairupoun, quhilkis pertenit to Williame, Lord Forbes, or ony his donatouris or assignais thairto," and also of any "expenssis and inconvenientis" that might follow thereupon. Since the date of that contract, however, Lord Forbes has pursued Ogilvie for the said marriage, "single and dowbill availl thairof," and has obtained decree against him for the sum of , "mynding thairby to poind and appryis his landis, guidis, and geir thairfoir, to his gret hurt and prejudice." Hence this appeal to his Majesty "as succeidand in the rowme and place of his said dearest moder, for quhais desire and earnist sute, maid at that tyme, the said Alexander submittit himself to the making of this contract." His Majesty will feel himself obliged to see, "and ressoun and gude conscience cravis," that Ogilvie shall not suffer, "seing he sustenis this forme of persute onlie for the Princes caus, quhais will at the tyme foirsaid he durst not resist nor refuis." It is also pleaded that his Majesty has granted the like favour of relief to others, *e.g.*, in the In a matter relating to Mary Beaton, one of the late Queen's Maries and Alexander Ogilvie of Boyne.

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[1] Johnstone of that Ilk now displaces Lord Herries as Warden of the West March (see *ante*, p. 86, footnote).

action by the Laird of Craigmillar against the Laird of Troquhair [*ante*, p. 119]. The prayer therefore is that he may be relieved from the execution of the decree obtained by Lord Forbes.—Both parties having appeared before the Council, Ogilvie by David Brysoun, macer, in his name (who produced the contract of marriage), and Lord Forbes personally, the Lords declare that they cannot stay or discharge the execution of the decree, "in respect they have not sene quhair the cautioneris obleist for releif of the said Alexander Ogilvie, conforme to the said contract, ar put at and persewit according to the tennour and ordour thairof." Acta 1577–7 Page 316.

Caution in 500 merks by Robert Maxwall of Cowhill for Mr David Maxwall, his brother, that he will satisfy the party offended by him in sight of the Warden of the West March.

Stirling Castle, 25th August.

Sederunt—Domini ut in die predicto.

Against John Hamilton, son of the late Laird of Stonehouse.

Complaint of Johnne Burne in Hospitall, Robert Dun, and Johnne Dun, his son, there, James Millar there, Thomas Weir in Crumhauch, and Johnne Hammiltoun in Langrig, as follows:—On the 21st of February 1574, Johnne Hammiltoun, son of the late Johnne Hammiltoun of Stanehous, "cruellie and unmercifullie murdreist and slew umquhile Johnne Baillie in Stanehous Bankis; for the quhilk being fugitive fra the law, and haveing schaikin af the feir of God, reverence, and that dew obeydience aucht to his Hienes, hes sensyne usit himself verray contemptuouslie and inobeydientlie, alsweill aganis the lawis as to the said complineris wrak and gret hurt." They have been spuilyied by him "thir sex or sevin yeiris bigane," and are now forced to appeal for remedy, "that they, thair wyffis and bairnis, to the nowmer of lxiiii saullis, be not alluterlie wrakit and put to povirtie for evir." Not only have they been systematically spuilyied by him of their goods, a horse at one time, a cow at another, but "he hes alsua divers tymes strikin and dung the saidis complineris with battonis, and utherwayis hes boistit thame for the persute of thair lyffis, unles they wald gif him quhatsumevir thing he cravit of thame." Thus, on the 7th of July last, "he come to the saidis landis of Hospitall, and under clud of nycht, at xi houris at evin or thairby, brak up the durris of the dwelling houssis of the saidis complineris, the saidis Robert and Johnne Dunnis, tuke thame furth thairof, baist, struke and dang thame with his nevis, and hurt and woundit the said Johnne with ane quhinzear on the heid, to the greit effusioun of his blude and danger of his life."—The defendant not having appeared in answers to the usual summons, while the complainers appear by Hammiltoun of Stanehous, and Robert Hammiltoun, burgess of Edinburgh, the order is to denounce the said Johnne Hammiltoun and put him to the horn. Page 317.

Sureties having been found some time ago by Laurence, Lord Oliphant, and Laurence, Master of Oliphant, on the one part, and Andro Murray of

eta 1577-79. Arngosk, Williame Moncreif, younger, of that Ilk, and Patrik Murray of Tibbermure, on the other part, for their orderly behaviour and abstinence from feud and mutual invasion till the 10th of September now approaching [see *ante*, pp. 183–4], and no arrangement having been yet made for removing the occasions of the troubles and differences among them, it is now ordered that both parties shall appear before the King and Council on the 6th of September, under pain of rebellion, to submit to such arrangement as may be thought best, and shall also meanwhile refrain from convocation in arms or mutual injury "be occasioun of leiding of the teindis of the Kirkis of Dumberny, Pettie [Pottie], and Moncreif;" suffering the said teinds to be led as in time past till new order be taken in the matter.

New order in the matter of the feuds between the Oliphants and the Murrays.

Page 318. *Sederunt*—REGE PRESENTE—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Gulielmus, Dominus Ruthven; Patricius, Dominus Lyndesay; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Justiciarie.

Stirling Castle, 31st August.

A suit has been raised by Mr Andro Hay, parson of Renfrew, and "commissionar owir the kirkis within the bounds of the west cuntrie," Mr Andro Melvile, principal of the College of Glasgw, and Mr Thomas Smetoun, minister at Paslay, "with consent and speciall command of the haill ministrie in the said west cuntrie," against Robert Alexander, William Mudy, and Johnne Wilsoun, in Paslay, who are accused of "powring of drink in the mouth of a deid meir, and thaireftir dansing and singing of saule mes and dairgie for the minister of Lochquhinyeochis deid meir, as they callit it, to the gret contempt of sic as feiris God." This day having been assigned for the production of proofs, and Mr Andro Melvile and Mr Thomas Smetoun appearing for themselves and the other pursuers, and Johnne Wilsoun for himself and the other defenders, besides certain persons whom the pursuers had caused to be summoned "to beir leill and suithfast witnessing" in the case,—to wit, Williame Stewart of Gallowhillis, Thomas Englis, Johnne Waus, Mathow Stewart, James Henrysoun, George Finlasoun, and Williame Stewart,—evidence is heard on oath, and the Lords assign the 8th of September next for sentence and decree, charging the three defenders then to appear personally.

Charge of profanity against three inhabitants of Paisley.

Page 319. "Anent our Soverane Lordis letters raisit at the instance of Alexander Stevin, ane of the convent of Dunfermling, and reidar at the kirk of Beath, makand mentioun that, quhair David Fergussoun, minister at Dumfermling, as commissionar for the Kirk in the west partis of Fyffe, hes not onlie deposit the said Alexander from his charge and office of reiding at the said kirk, but als hes admonist him and intendis to pronunce the sentence of excomunicatioun aganis him for subscryving of certane

Alexander Steven, against David Fergusson, minister of Dunfermline: case of disputed jurisdiction between the Kirk and the civil powers.

evidentis and letters upoun sum landis and teindis belanging to the Abbay of Dumfermling, as ane of the convent thairof: quhilk is na new thing nor na offence, as is understand, and, althoch it wer offence, yit is it a mater civile, quhairupoun excommunicatioun aucht not to strike be ony law or custume yit ressavit within this realme; and, gif this preparative be sufferrit to tak place aganis the said Alexander, it may be dangerous in materis of gretar importance. And anent the charge gevin to the said David Fergussoun to have comperit personalie befoir our Soverane Lord and Lordis of Secreit Counsale at ane certain day bipast, bringand with him the sentence of deprivatioun and admonitionis usitt aganis the said Alexander Stevin, to have bene sene and considerit upoun quhat just caus and occasioun propirlie belanging to the jurisdictioun of the Kirk the same is proceidit, and to have hard and sene him dischairgit of all forther proceiding or pronunceing of the said sentence of excommunicatioun aganis the said Alexander for the caussis foirsaidis, like as at mair lenth is contenit in the saidis letters. Quhilkis being callit, and the said Alexander Stevin compeirand personalie, and the said David Fergussoun being alsua personalie present, quha denyit that ony admonitioun or sentence of excommunicatioun wes intendit to be pronuncit be him aganis the said Alexander, bot that he, eftir sentence of deprivatioun of the said Alexander frome his charge and office of reiding in the Kirk of God pronuncit be the Generall Assemblie of the Kirk, maid intimatioun thairof at thair command according to the ordour,—quhilk sentence and intimatioun he alledgit he aucht not to produce afoir the Kingis Majestie and Lordis of Secreit Counsale, they not being judges competent thairto: Quhilk alledgeance, with divers utheris the ressonis and allegationis of baith the saidis partiis, being hard and consideritt be his Hienes and Lordis foirsaidis, and they ripelie avisit thairwith: The Kingis Majestie and Lordis of Secreit Counsale findis thame selffis to be judges competent in the said mater; And thairfoir ordanis the said David Fergussoun to bring and produce befoir thame, upoun the tent day of September nixt to cum, the said sentence of deprivatioun, with the command gevin to him be the said Generall Assemblie to mak intimatioun in maner foirsaid, togidder with the self same intimatioun maid be him and haill proces led and usit in the said mater, to the effect abone mentionat, under the pane of rebellioun and putting of him to the horne, with certificatioun to him, and be failyie, the said day being bipast, letters salbe direct simpliciter to put him to the horne, and to escheit and inbring all his movabill guidis to our Soverane Lordis use, for his contemptioun." Acta 1577-7

Complaint against Lord Yester.

Complaint by Cristiane Kirke and her four fatherless and motherless sisters against Lord Yester, who, as cautioner for George Greinlaw, "in assythment of thair faderis slauchter committit be the said George," had been ordered by decree of Council to pay to the complainers the sum of £200 [*ante*, pp. 18, 132]. An officer, while poinding the said Lord's goods, in accordance with the decree, had been deforced by him; whereupon, with Page 320.

Acta 1577–79. the assistance of the King's advocates, they had obtained against him a decree of deforcement, ordaining him to pay £40 "in expenssis of the pley." This sum he had altogether refused to pay, making light of his Majesty's missive letters, although the complainers had disbursed more in the action. Parties now appearing before the Council, the defender by Mr George Abircrumby, his procurator, the Lords assoilzie him of the payment of the £40, "becaus, be the productioun and sicht of the said decreit, the said sowme is fund and decernit to be payit to our Soverane Lordis advocattis."

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Robertus, Comes de Lennox; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling, Secretarius; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Justiciarie. Stirling Castle, 1st September.

Complaint by Dame Elizabeth Betoun, Lady Innermeith, as follows:— Having been, as the King and Council know, put to extreme distress by the "rigourus and unnatural dealing" of James Gray, son of Patrik, Lord Gray, the "young gentilman destitute of leaving" whom she had unfortunately married [see *ante*, pp. 154–6], she had raised an action of divorcement against him before the commissaries of Edinburgh, and had obtained a decree ordaining him to pay to her daily, for her support, the sum of £3 from 28th May last, and during the dependence of the action. Page 321. He, however, she has found, has "na guidis nor geir poindable;" and so she has been frustrated of the money. Nay more, since the decree ordering the payment, he has continued in his former troubling of her, and has "not onlie intromettit with the scheip and nolt being pasturand upoun her manis of Reidcastell, and sauld and disponit thairupoun at his plesour, bot alsua intendis, as scho is suirlie informit, to scheir and intromit with the cornis growand upoun the saidis manis." Being "grettumlie trublit be hir creditouris" both in Edinburgh and at Striviling, and having no place to reside in "except within the Borroustoun, quhilk requiris hir intollerabill expenssis," she prays to be allowed to occupy her place of Reidcastell, now kept by the Laird of Dun by his Majesty's direction [*ante*, pp. 171, 188], "upoun caution to be fund be hir that the same hous and the cornis and guidis salbe furthcumand at the end of the pley to all partiis havand interes," her sustentation allowance only excepted. The usual summons having gone out to the defendant, and he having Page 322. failed to appear, while the complainer appears in person, the Lords decide to grant the lady the use of the house of Reidcastell, with the sheep, nolt, and corns of the mains of Reidcastell, for the present year, and also, provision having been thus made for her, to relieve the said James Gray of the decree made against him for her daily maintenance. Lady Innermeath and her husband, James Gray, again.

Caution in £500 by James Creychtoun of Frendrauch, James Creychtoun

Caution for Crichton, tutor of Sanquhar.

of Carco, and George Creychtoun of Camnay, for Williame Creychtoun, tutor of Sanquhar, that he will not harm Patrik M°Crerik, burgess of Sanquhar. Acta 1577-7

Another caution for the same.

Separate caution in £100 by the same persons for the said Williame Creychtoun, in his capacity of Sheriff of Drumfreis, that he will enter Patrik M°Crerik, burgess of Wigtoun, peaceably into certain specified "leggis" of land, with houses, lying near the burgh of Sanquhar, on or before the 10th instant, and will not molest him in the possession of the same afterwards.

Caution for William and John Gregory.

Caution, in 1000 merks, by Mr Thomas Lyoun of Baldukie, that he will present Williame Gregorye, and Johnne Gregorie, his brother, in East Ferry, before the Council on 5th inst. Page 323.

Caution for Thomas Wedderburn.

Caution, in 500 merks, by David Lyndesay of Edzell, for the appearance of Thomas Wedderburne on the same day.

Caution, in £20,000, for the Earl of Craufurd.

Caution, in £20,000, by Patrik, Lord Lyndesay of the Byris, and David Lyndesay of Edzell, for the appearance of David, Earl of Craufurd, before the justice or his deputy, in the Tolbooth of Edinburgh, on the 3rd of November next, "to underly the law for sic crymes quhairof he salbe accusit."

Stirling Castle, 2nd September.

Sederunt—Domini ut in die predicto.

Complaint of Menteith of West Kerse.

Complaint by Williame Menteith of West Kers against James Cunninghame, as follows:—Cunninghame, alleging himself, his tenants, and servants, to be in "danger of bodilie harme to be done to thame be the said complinar," had lately obtained letters charging Menteith, under pain of rebellion, to find surety within six days that Cunninghame, his wife, bairns, friends, and property, should be "harmles and scaithles, and remane untrublit be the said complinar." In fact, however, these letters "ar sinisterlie purchest and inordourlie gevin aganis the ordour observit in finding of souirtie and lauborrous," because, if the complainer intromits "with sic teindis and cornis as pertenis to him," he will be brought under danger of the pain aforesaid, while properly the surety should have been only for the personal safety of Cunninghame and his dependants.—Parties having been called, and Menteith appearing by Alexander Menteith of Bowmontismylne and Williame Menteith of Gogar as his procurators, and Cunninghame appearing personally, with Mr Henrie Balfour, his prolocutor, it is ordained that Menteith now find surety in £2000, to be registered in the Council's books, for the personal safety of Cunninghame, his wife, bairns, men, tenants, and servants, the said Cunninghame having sworn that he dreaded bodily harm from Menteith. Such surety being found, the former letters are to cease and have no further execution. Page 324.

cta 1577-79.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Jacobus, Comes de Mortoun;[1] Archibaldus, Comes Angusie; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth; Willelmus Murray de Tullibardin, miles, Computorum Rotulator. Stirling Castle, 4th September.

Registration by Alexander Menteith of Lochend, appearing as procurator for Williame Menteith of West Kers, as principal, and for Alexander Bruce of Airth, as his surety, of an obligation executed at Airth the same day, in conformity with the last order of Council. By this obligation, Williame Menteith, as principal, and Alexander Bruce, as his surety, bind themselves, under a penalty of £2000, that James Cunninghame in Caverca, his wife, bairns, men, tenants, and servants shall be unmolested. The witnesses to the document so registered are Thomas Bruce of Larberscheillis, James Oiswale, notary, burgess of Striviling, Mr Robert Bruce, son of the Laird of Airth, and Williame Menteith of Reidnoch. Band for Menteith of West Kerse.

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Caution by James Scrymgeour of Glaswall and George Gray of Scheilhill for the entry of Williame and Johnne Gregory in the East Ferry, on six days' warning, when required, under pain of 500 merks for each. Stirling Castle, 6th September. Caution for William and John Gregory.

George Leslie in Heichame having been licensed "to levey and tak up ane hundreth waigit men of wear, and to depairt with thame to the service of our freindis and confiderattis in defence of Cristis evangell," caution is now entered for him by Johnne Boiswale, younger, of Balmuto, in 5000 merks, and whatever damages may be incurred besides, that the men shall live upon their charges till transported; that they shall not act with Scotsmen "aganis ane uther;" that they shall not "trubill, pilyie, nor tak geir fra ony subject of this realme, nor na freindis and confiderattis thairof;" that they shall not meet within 16 miles of Striviling Castle; that they shall not "serve with papistis aganis protestantis professouris of the evangell of Jesus Crist;" and, moreover, that Leslie shall not, without special licence, "transport in his cumpany ony landit men prohibit to depart be Act of Parliament." Stirling Castle, 7th September. Caution for George Leslie, who has been licensed to levy 100 men for Protestant service abroad.

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Sederunt—Domini ut in die predicto. Stirling Castle, 8th September[2]

Agreeably to the former order of Council in the matter of dispute between Lord Oliphant and the Master of Oliphant, on the one part, and Andro More in the feud between the Oliphants and the Murrays.

[1] It is worth remarking that Argyle, now Chancellor, takes the first place in the sederunt, notwithstanding the reservation of that place for Morton (*ante*, p. 4, footnote).

[2] On this day, September 8, 1579, there took place an event which was to be of enormous consequence in the History of Scotland for some time to come. This was the arrival at Leith of Esmé Stewart (sometimes Latinised into *Amatus* Stewart), Lord D'Aubigny in France. He was the son of the late John Stewart, one of the King's granduncles—*i.e.*, a brother of the late Matthew, Regent Lennox, and of the present Robert, Earl of Lennox. This John Stewart had emigrated to France, and become a naturalised Frenchman, with the title of Lord D'Aubigny in Berry, inherited by an old right accorded to his ancestors of the Scottish family of Lennox, for their services in France, as far back

Murray of Arngosk, William Moncreif, younger, of that Ilk, and Patrik Murray of Tibbermure, on the other part [see *ante*, p. 208], both parties have appeared before the Council,—the Oliphants by William Dowglas of Lochlevin, Alexander Forestar of Garden, and Mr Williame Oliphant, as their procurators, and the two Murrays personally, with Mr Johnne Russell as their prolocutor and also joint-procurator with them for Moncreif. The procurators for the Oliphants having been asked whether they would submit all "actionis, questionis, querrellis, contraverseis, and debaittis" between their principals and the other parties, to be decided by the Council, and having answered that "they had na sic commissioun sa to do," it is ordered that they shall "return and report answer agane quhither they will mak the said submissioun or not upoun the xii day of September instant," and that in the meantime both parties desist from all meddling with the teinds of the kirkis of Dunberny, Pettie, and Moncreif, the same to remain upon the ground till 15th September instant. Acta 1577–79

Stirling Castle, 9th September. Caution for John Forrest.

Caution, in £2000, by Nicoll Cornwell, fiar of Ballinhard, and David Craufurde of Blakcraig, for the appearance of Johnne Forrest, burgess of Linlythgow, before the Council, on six days' warning. Page 327.

Caution for John Walker.

Caution by the same, in £200, for the appearance of Johnne Walker, servant to the said Johnne Forrest, on four days' warning.

Stirling Castle, 10th September.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius;[1] Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Clericus Justiciarie.

Hew Brown denounced.

Hew Broun, servitor to Patrik, Master of Gray, to be denounced rebel and put to the horn, for not appearing before the Council as charged.

as 1424. He had left children, of whom the eldest was this Esmé Stewart, now Lord D'Aubigny, essentially a Frenchman, about thirty years of age, "a man of comely proportion, civil behaviour, red beardit," and father of several children by a French lady. Either he had been spontaneously thinking of his family connections with Scotland and of the fine prospects there might be for him and his in that kingdom in the young age of his relative, King James; or there had been communications to him from some of Morton's enemies in Scotland, to induce him to come over and gradually assume that leadership of the opposition to Morton which had been vacated by the death of the Chancellor, the Earl of Atholl. In any case, he *had* come over, leaving his wife and children in France; and his arrival at Leith, accompanied by "one called Monsieur Mombirneau, a mirrie fellow, able in bodie and quick in spirit," and by some others, all Roman Catholics like himself, made a great stir. He "was honorablie convoyed by the magistrats of Edinburgh," on his way to the King at Stirling (Calderwood, iii. 457). There was much speculation as to his purpose; and, though it was given out that he had only come to congratulate the King, and make some inquiries about the Lennox property, and that his visit would be short, the rumour ran at once that he had French gold with him, and was an emissary of the Guises of France and of the Pope, for interference in the affairs of Scotland.

[1] The fact that Morton now takes precedence of Argyle in the sederunt, though Argyle was chancellor, looks like the result of an amicable arrangement between the two. (See *ante*, p. 213, footnote.)

ta 1577-79. Resumption of the case raised by Andro Hay, parson of Renfrew, Andro Melvile, principal of the College of Glasgow, and Mr Thomas Smetoun, minister at Paslay, as representatives of the whole ministry of the west country, against Robert Alexander, William Mudy, and Johnne Wilsoun of Paslay [*ante*, p. 209]. The case is now more minutely stated, as follows:—"About the 15th day of Julii last bipast, Williame Cunninghame, minister at Lochinyeoch, lamyt of the ane leg, come for his lauchfull besines to the toun of Paslay, ryding upoun ane meir, quhilk, be sum ewill treatment, chancit to de; quhilk being persevit be Robert Alexander, Williame Mudy, and Johnne Wilsoun, indwellaris of the said toun of Paslay, ennymeis to all sic as professis the trew religion, [they] come, with aill and uther provisioun, and powrit drink in the meiris mouth, and thaireftir dansit and sang the saule mess and dairgie for the ministeris deid meir, as they callit it," all to the contempt of "sic as fearis God." The accused having appeared personally according to summons, and the pursuers by Johnne Dunkesoun, minister of Striviling, the Council, though the accused deny the charge, find it sufficiently proved by the evidence given, including "the depositionis of certane famous personis, witnesses," and therefore ordain the culprits to be "puneist in thair personis and guidis at the will of our Soverane Lord." Resumed case of the three Paisley men accused of profanity.

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Caution, in 500 merks, by David Lyndesay of Pyottistoun, for the entry of Johnne Wedderburne, servant to David, Earl of Craufurd, when required, on six days' warning. Caution for John Wedderburn.

Sederunt—Domini ut in die predicto. Stirling Castle, 12th September.

Farther proceedings in the disputes between Lord Oliphant and the Master of Oliphant, on the one part, and Andro Murray, Williame Moncreif, and Patrik Murray, on the other:—The procurators for the Oliphants [see the names, *ante*, p. 214] have produced letters of horning, executed against William Moncreif, "for not teinding with Johnne Oliphant, sone lauchfull to the said Lord, his factouris and servitouris in his name, and not making of lauchfull premunitioun to thame to teind the cornis of the ground occupiit be the said Williame, within the parochynnis of Dumberny, Pettie, and Moncreif, and for not suffering of the said Johnne Oliphant, his saidis factouris and servitouris, to teind, leid, use, and dispone upoun the samin, off this instant crop and yeir of God j^{m}v^{c}lxxix yeiris, conforme to ane decreit gevin thairupoun." They allege that the said Williame should not be heard. To this it was answered on Moncreif's behalf, by his procurators, that he had been relaxed from the said process of horn; and letters at his instance suspending the foresaid letters meanwhile were produced. The Council, considering the matter, find that Moncreif *was* sufficiently relaxed from the said process "led upon him for the caus abonewrittin;" but, in addition, his Majesty, anxious to remove the causes of difference between the said Still more in the dispute between the Oliphants and the Murrays.

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parties, ordains the teinds of Dunberny, Pettie, and Moncreif, for the present year, to be "collectit, led, and stakit upoun the expenssis of the self in sum newtrall place," by Blair of Bathiok, and Archibald Dundas of Fingask, appointed to that effect, to remain "unmellit or intromettit with be ony other persoun or personis," till it be decided to whom they justly belong. Moreover, because the procurators for Lord Oliphant and the Master of Oliphant pretend that they cannot submit all actions, questions, and controversies between their principals and the other parties to be decided by the King and Council, "without the advise and consent of Alexander Jardane of Apilgirth, alledgit to have speciall interes heir-anent," it is ordered that the Oliphants "crave the said Alexanderis answer," and report the same, with their own answer in the matter of the submission recommended, on the 20th instant. Acta 1577-79.

Dissent and protest for the Oliphants.

The procurators and commissioners for the Oliphants enter their dissent from the part of the above ordinance "tuicheing the leiding and staking of the saidis teindis," and then protest that it shall not stop the execution of the decree obtained by the said Johnne Oliphant. Page 330.

Stirling Castle, 12th September.

Sederunt—Domini ut in die predicto.

The Oliphants and their adversaries to find surety for mutual peace.

The two Oliphants, on the one part, and Murray of Arngosk, Moncreif, younger, of that Ilk, and Murray of Tibbermure, on the other, having found surety in June last for keeping mutual peace and good till the 1st of the present month [*ante*, p. 183], but no arrangement for permanent removal of their differences having yet been made, both parties are now charged, under pain of rebellioun, to subscribe a band "be thame selffis, and tua responsale personis souirteis for ather partie to be insert thairin, to induir unto the first day of December nixt to cum, quhairthrow the occasionis of the saidis differences may be removit."

Stirling Castle, 14th September.

Sederunt—Domini ut in die predicto.

Tenants of Lochmaben and the Laird of Johnstone.

Johnne Johnnestoun of that Ilk having been appointed warden of the West March [*ante*, p. 207], and also captain and keeper of the castle of Lochmaben, but the tenants of the Lochmaben lands, fishings, &c., having refused to pay their rents and duties to him, it is now ordered that they do so at Martinmas next, and yearly afterwards so long as he shall hold office, within ten days after they are charged to that effect, under pain of rebellion. Page 331.

Stirling Castle, 15th September.

Sederunt—Ut in die predicto.

Craftsmen of Stirling against the magistrates and merchants.

Complaint by Thomas Wallace, Alexander Broun, Johnne Leggat, and David Kinros, "for thame selffis and the remanent artificiaris and craftis-men of the burgh of Striviling," as follows:—"His Hienes maist nobill

Acta 1577-79. progenitouris hes grantit sindrie liberteis and immuniteis unto his Majesteis burrowis, generalie pertening to the haill memberis of the same, alswele craftismen as merchandis, and hes ratifiit and apprevit all and quhatsumevir liberteis pertening to the craftismen of auld, and hes grantit thame libertie to saill and use merchandice als frelie as ony uther persoun within the said burgh, as autentik giftis maid thairupoun beiris." Nevertheless, the complainers, "albeit they be subject to all taxationis, wacheing, warding, and utheris impositionis liand upoun the said burgh, and pais the ane half of ilk stent and taxatioun layd upoun the said burgh be extraordinar impositioun maid to thame be the merchandis thairof, and ar compellit to do all uther thingis in the same ordour as merchandis," are debarred from their said liberties of trading by the Provost, Bailies, and Council of the burgh. Parties having been cited, and the complainers appearing personally, for themselves and their constituents, with Mr Johnne Russell, as their prolocutor, and James Erskin, provost of Striviling, Robert Craigingelt, one of the bailies thereof, Johnne Patersoun, dean of guild, and Thomas Murray, bailie and one of the Council
Page 332. of the said burgh, appearing for themselves and in name of the rest of the Council and the merchants of the burgh, with Mr Johnne Skene as their prolocutor, the Lords of Council remit the matter to be pursued before the Lords of Session, as judges competent.

Caution for Lady Innermeath.

Caution by Patrik Kyninmonth of Craighall for Dame Elizabeth Betoun, Lady Innermeith, to whom the place of Reidcastell is committed, that the said house, and corns and goods growing on the mains of Reidcastell, shall be made forthcoming, at the end of her action for divorce against her husband, to all parties having interest therein, her aliment-money excepted. The obligation is subscribed by Patrik Kyninmonth of that Ilk [see *ante*, p. 211].

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Robertus, Comes de Lennox; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Adam, Commendatarius de Cambuskynneth.

To denounce John Blyth.

Commission having been granted at Whitsunday last by Williame, Lord Ruthven, his Majesty's treasurer, to Johnne Blyth "to intromet with the coilheuchis and salt pannis of Pettinweme," accounting for the profits thereof to the treasurer, and Blyth having persistently neglected to render such account, and now failing to appear to answer according to summons, the order is that he be denounced and put to the horn.

Stirling Castle, 22nd September.

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Levinax; Allanus, Dominus Cathcart; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Reg. Sec. Con., Acta 1579–81. Page 333 (the paging continued from last volume).

Caution for John Lamond of that Ilk.

Caution by Hew Kennedy of Barquhany that, if it be found that Johnne Lawmond of that Ilk "wes other takisman or intromettour with the fruittis of the kirk of Killellane in Ergile" in 1578, or before that date, then he shall pay "the valu of sa meikle as the samin extendis to to our Soverane Lordis thesaurar" or others appointed: Johnne, Bishop of the Yles, relieving the said cautioner in the premisses.

Proclamation in view of the King's removal from Stirling to Edinburgh.

The King being now in his fourteenth year, and about to remove from Striviling to Edinburgh by advice of his Nobility and Estates, accompanied by divers of his nobility and others his good subjects, it is ordered that open proclamation be made at the market crosses of Edinburgh, Striviling, Linlithqw, etc., charging all persons required to attend his Majesty's convoy, or that may approach within six miles of his person while he is removing, to come "in peciabill maner, without ony gunnis, firewerk, or other armour, thair swirds and quhinzearis onlie exceptit," under the penalties contained in the Acts of Parliament and Council. All officers of the King, magistrates of burghs, etc., are to be vigilant in Page 334. apprehending offenders; and all "oistlaris, tavernaris, and utheris personis," in whose houses persons carrying guns or pistols may lodge, are to advertise the magistrates of the town thereof, under pain of £10 for every default. Also, all the lieges attending the King's "oist" are forbidden to "invaid or persew utheris, outher for auld feid or new, in bodyis or guidis, or to mak provocatioun of truble or displesour to utheris in word, deid, or countenance, under the pane of deid, with certificatioun, and they failyie, the said pane of deid salbe execute upoun them." It is provided, however, that the King's domestic servants attending upoun his person, and also the noblemen at present in quarters about him, with their households, are excepted from the operation of this Act, as far as bearing and using firearms is concerned.

Caution for John Dundas.

Caution in £500 by David Dundas of Preistisinche for the appearance of Johnne Dundas, son and apparent heir of James Dundas of Newlistoun, before the Council on six days' warning.

Stirling Castle, 24th September.

Sederunt—Domini ut in die predicto.

Complaint by Lady Innermeith that the late decree of Council granting her possession of the house of Reidcastell, and intromission with the corns,

ta 1579-81. sheep, and nolt upon the mains thereof, for her maintenance till the termination of her action of divorcement against her husband, James Gray [*ante*, p. 211], has proved inefficacious, the said James having already sold and made away with all the available property. She asks, therefore, "to have the intromissioun with the haill maillis, fermes, proffeittis, caynis, custumes, and dewiteis of all and sindrie hir terce and conjunct fie landis of the baronyis of Innerkellour and Innermeith, of this instant crop and yeir of God," 1579.—The husband having been summoned to hear this new application considered, but making no appearance, while Lady Innermeith appears by Johnne Stewart, her son and procurator, the Lords decide to grant her what she asks, upon caution to be found that she will account for the proceeds at the end of her action, with the exception of the sum appointed by the commissaries for her maintenance.

New complaint and application of Lady Innermeath.

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Page 336. Complaint of Mr Williame Erskin, parson of Campsy, chamberlain of the abbey of Paslay, as follows:—He has been interfered with in the exercise of his office and the collection of the dues of the tenants by Andro, Master of Simpill, who, having "upoun ane unjust narratioun," obtained letters of inhibition, had, upon 18th August last, not only caused them to be openly proclaimed at the market cross of Paslay in presence of a great number of the tenants of the abbey there convened, "bot als, eftir the proclaiming of thame, spak sum proud and disdainefull wordis of the said Mr Williame, his Hienes officiar, not sa meikle to his dishonour as to the contempt of his Majestie, seing his being thair wes not for his awin caus, bot to do his Hienes service." Moreover, "besydis the saidis disdanefull and proude speiking, all persuasionis wes usit be the said Andro oppinlie at the said marcat croce to the saidis tennentis that possibillie he culd, to stay thame to mak payment to the said Mr Williame of thair saidis dewiteis, sayand nane had ado therwith bot he in name of the Lord Simple." Further, the said Master of Simple had caused Johnne Wilsoun and Malcolme Maxwall, officers of the regality of Paslay, on 23rd and 24th August last, to warn, "be mouth, without ony precept," the tenants of Blakstoun, Fultoun, Hillintoun, Archistoun, Meikle Riggis, Barschaw, Lincleif of Gallowhillis, lands belonging to the abbey of Paslay, to a court held on 25th August in the tolbooth of Paslay, and had there called in the said tenants "befoir himself sittand in jugement," and decreed them to pay to him the whole maills, ferms, and duties of the said lands from 1572 to 1579 inclusively; "mynding to direct his precept
Page 337. for poinding of thame thairfoir," although they have already regularly paid their duties during that time either to the commendator of the said abbacy for the time, or to himself, the present complainer, as the King's chamberlain. "Attour, the said Andro, sen the geving of the said pretendit decreit, hes causit ride the teindis of Paislay and utheris townis and partis thairabout pertening to the said abbacie, intending be force and way of deid to intromet with thame, and swa alluterlie to wrak the puir tenentis."—The defender having been summoned to answer, both parties

Mr William Erskine, chamberlain of the Abbey of Paisley, against Andrew, Master of Semple.

have appeared personally, together with Robert, Lord Simpill, and James, Earl of Mortoun, his tutor; "quha being admittit for thair interes in the said mater," it was alleged that the said Robert, Lord Simple, is infeft in the said lands, and therefore had right to uplift the maills and duties thereof during the years foresaid. The reasons and allegations having been duly considered, the decision is that Robert, Lord Simpill, shall pursue his rights and titles before the judges ordinary, and that, pending their judgment, Mr Williame Erskin shall receive all the duties unpaid or to be paid, "conforme to his letter of chalmerlanrie and factorie:" the reason assigned for this decision being that Claud, late commendator of Paslay, being in possession of the lands, had uplifted the duties of them during the years foresaid, "at the leist of the maist part of thame," and that the King had succeeded in his place. Acta 1579-81.

Protest by Lord Simple and the Earl of Mortoun, his tutor, that this decision shall not prejudice their rights.

Lord Elphinston against Rollock of Duncrub and his brothers.

Complaint of Robert, Lord Elphingstoun, against George Rollok of Duncrub, and James, Williame, Walter, and Andro, his brothers, as follows:—On the 20th of August last they, with their accomplices to the number of four score persons, armed with all sorts of weapons, had come, "under silence of nycht," to the said Lord's lands called the Litle Maling of Rossy, "and thair, with a nowmer of horse, nolt, and utheris guidis purpoislie drevin thither, eit and distroyit, and with sythis cuttit, foure scoir bollis aittis, and, not content thairwith, hes cum sindrie tymes sensyne under silence of nycht, and hes distroyit, ruittit up be the ruittis, the haill growand cornis within the saidis boundis." This "schamefull and unworthie oppressioun" is to be regarded not only as an injury to Lord Elphingstoun in particular, but as of dangerous national example. Men will be driven to resist force by force, "and to acquite wrangis ressavit with the like," unless some good order is immediately taken for the repression of such outrages as those complained of; "quhilk men, in this his Majesteis minoritie, ceissis not to commit for feir of ony puneisment liklie to fall be ony ordinar persuit, other civilie or criminalie, seing the langsumnes of proces, and slender executioun of decreittis quhen thay ar obtenit."—The defenders had been summoned to answer under pain of rebellion; and now, the pursuer appearing by Alexander, Master of Elphingstoun, his son, and Williame Rollok appearing for himself and as procurator for his brothers George, James, and Walter, but Andro Rollok not appearing, the Lords remit the matter to be tried before the competent judges, but order the said Andro to be denounced rebel for failing to appear. Page 338.

Caution by Sir James Maxwell of Calderwood for Jehane Fleming.

Caution by Sir James Maxwall of Calderwod, knight, as follows:—The sixth part of the living of Flemyng having been assigned for payment to Jehane Flemyng, daughter of the late Lord Flemyng, out of the following lands and baronies belonging to the lordship of Flemyng,—viz., Page 339.

Acta 1579–81. £56, 10s. 7d. yearly "of the reddiest penny maill and gersum" of the barony of Thankertoun; £49, 12s. yearly from the barony of Biggar; 2 chalders, 13 bolls, 2 firlots, 1 peck malt yearly from Thankertoun; ½ chalder and 2 firlots beir yearly from Biggar; 4 chald. 8 bolls, 1 peck meal yearly from Thankertoun; ½ ch. 1 firlot, 1 peck meal yearly from Biggar; 1 ch. 12 bolls corn yearly from Biggar; all beginning at Whitsunday last and to continue yearly till farther order should be taken,—the caution is that, "in cais thair be ony mair assignit to the said Jehane Fleming nor will extend to hir part of the said lordschip and leaving of Fleming, comptand the samin leaving in sex partis, as said is," then she shall refund the superplus "to the behuif of the bairnis of umquhile Johnne, Lord Flemyng, to be dividit equalie amangis thame."

Sederunt—Jacobus, Comes de Mortoun; Robertus, Comes de Lennox; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator. Stirling Castle, 26th September.

Caution in £1000 by Hew Cunninghame of Watterstoun and Johnne Lyndesay of Blaksolme for James, Master of Glencarne, that he shall deliver the house and fortalice of Dowchall to Alexander Portarfeild, son and apparent heir of Williame Portarfeild of that Ilk, if it shall be found by the Council that the said James "aucht to do the samin," [*ante*, p. 195]. Caution for the Master of Glencairn.

Page 340. Representation and complaint by Johnne, Earl of Mar, Sheriff of Striviling, Adame, Commendator of Cambuskynneth, "havand undowtit richt to the teind schevis and utheris teindis of the kirk of Alveth, baith parsonage and vicarage," Margaret Colvile, relict of Williame Menteith of Randefurd, conjunct fiar of the lands of Cavirca in the barony of Alveth and sheriffdom of Striviling, and Captain James Cunninghame, her spouse, as follows:—"Dalie trublis and inconvenientis fallis in this realme throw the manifest wrangis committit be sindrie personis in reving and intromissioun with other mennis guidis without ground of law or ressoun, taking the gretar bauldnes to commit mony wrangis and oppressionis, in hoip that the personis sustening the scaith sall werie to seik justice be the ordinar forme afoir the Lordis of Sessioun, quhair the proces is commonlie langsum and the executioun of decreittis sclender, the expenssis commonlie exceiding the principall; quhilk inconvenientis movis his Hienes subjectis rather to resist wrang be force nor schamefullie to be opprest and owirthrawin with thair equalis or inferioris." The special case, however, is that of "the wrangus leiding of the said Margaret Colvilis cornis be Williame Menteith of West Kers, of the crop and yeir of God" 1577, "under pretence of hir teindis, quhilkis belangis to the said Adame, Commendatar of Cambuskynneth, that of befoir and yeirlie sensyne hes maid inhibitioun thairupoun; for the quhilk caus thair followit Earl of Mar and others against William Menteith of West Kerse.

a gret trubill within Strivilingshire, bluidsched and gret unkyndnes contractit, quhilk is not yit reconsilit." On the 14th instant, the said Williame Menteith, "of sett purpois to renew the saidis trublis," had come, with Harie Menteith, his servant, Henrie Das, Williame Sym, Archibald Marschell, Johnne Sym, Johnne Moreis, Archibald Cristie, George Rowane, Henrie Swird, Johnne Young, Johnne Doncansoun, Thomas Young, David Menteith, and Johnne Moreis, younger, all tenants and servants of the said Williame, in Alveth, and with "thair complices to the nowmer of fourescoir personis, all bodin in feir of weir," to the said Margaret's lands of Cavirca, had there searched for the said James Cunninghame her husband, "cryand and biddand him cum furth gif he durst," contravening thereby the act of surety found by the said William, and had reft from her 40 horse load of "hir schorne beir," carrying the same to Menteith's house. There might easily be retaliation, which might be "als far to the said Williames displesour and disadvantage," were it not for respect for the King's authority; and yet, "gif thair salbe na uther reule bot still to oppres and reif and lett the compliner spend the rest at the Sessioun," the complainers in this case "will be constrynit for thair just defence and honestie to defend thame as they are persewit." Parties having been called on the 24th instant according to summons, and the three men-pursuers having then appeared personally for themselves and for the lady, and the principal defender and his accomplices having appeared by Alexander Menteith of Powmontismylne, "quha declairit that the takis maid to the said Williame Menteith of the saidis landis wes and is ellis expirit," the matter had been adjourned to this day. And now, parties again appearing as before, and the case being farther considered, the order is that Menteith and his accomplices restore to the said Margaret "als meikle als gude beir as they reft and tuke," placing it on the same ground within 48 hours after the charge, under pain of rebellion.

Acta 1579–81.

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Protest for Menteith.

Protest by the said Alexander Menteith, procurator for Williame Menteith, that his principal be not prejudiced in his rights by this Act.

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Stirling Castle, 28th September.

Caution for Archibald Hamilton.

Caution, in £1000, by James Weir, younger, of Blaikwod, that Archibald Hammiltoun, son of the late Arthour Hammiltoun of Mirretoun, shall enter himself into custody in Edinburgh Castle withing 30 days after being released from his present custody in the tolbooth of Striviling.

Caution for William Child.

Caution in 500 merks by Malcolme Dowglas of Mains, and Johnne Dowglas of Tilliquhillie, for the entry of Williame Child before the Council when required, on six days' warning, Mr Johnne Stewart, constable of Striviling Castle, relieving the cautioners. Malcolm Dowglas and Johnne Stewart subscribe with their own hands; but Dowglas of Tilliquhillie "with my hand at the pen led be Johnne Andro at my command, becaus I cannot write." Andro adds his own signature.

Acta 1579–81. Caution by James Galbraith of Culcreuch and David Carmichaell of Wrychtislandis, in 2000 merks, to enter James Stewart, son of Alexander Stewart of Scottistounhill, before the Council when required, on six days' warning: Stewart, constable of Striviling Castle, relieving the cautioners. Holyrood-house, 2nd October.[1] Caution for James Stewart.

Page 343. *Sederunt*—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Archibaldus, Comes Angusie; Robertus, Comes de Lennox; Joannes, Comes de Montrois; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth. Holyrood-house, 3rd October.

Representation by Williame, Lord Ruthven, treasurer, as follows:—He has been charged, under pane of rebellion, to pay the sum of £200 Scots to the executors of the late Robert Lawder of Bass [*ante*, p. 119], for relief of Sir Johnne Stewart of Troquhair and Sir David Prestoun of Craigmillar, who pursue him. Now, the sum is "ane auld debt awand be umquhile his Hienes dearest father and moder, not contractit in the tyme sen the said theasurar buir office, quhairof be hes taikin na allowance in his comptis, and thairthrow of rycht na executoriallis of horning or poinding sould have bene grantit aganis him for the said sowme." All the same, "for satisfactioun of his Hienes commandiment and relief of the saidis personis that become souirteis for his Hienes saidis dearest fader and moder," he is willing to become debtor in his Highness's name to the said executors, and to assign to them the readiest of the King's casualties for payment of the said sum.—Parties having been called, and Lord Ruthven appearing personally, and Elizabeth Hay, relict and executrix of Robert Lawder of Bass, being also present, with Mr Edmond Hay, her prolocutor, Representation by Lord Ruthven, treasurer.

Page 344. the Lords ordain the said treasurer to pay to her "of sic a casualtie as will extend to the said sowme of twa thowsand pundis; and, the samin being deliverit and scho satisfiit, ordanis all forther proces and execution of letters, owthir of horning or poinding, raisit at the instance of the said Johnne Stewart of Troquhair aganis the said thesaurer, or aganis the said Johnne at the instance of the said David Prestoun, or aganis the said David at the instance of the saidis executouris, to ceis and have na forther strenth, effect, nor executioun thaireftir."

Protest by Lord Ruthven that this Act be not quoted as a precedent, compelling him to pay debts not contracted while he bore office.

[1] "The King was convoyed from Stirline to Linlithquo upon Tuisday, the 29th of September, and the day following to Halyrudhous, accompanied with Morton, Angus, Argile, Montrose, Marr, Lindsey, Uchiltrie, the Maister of Livington, and the Maister of Seton, two thowsand hors or thereby" (Calderwood, iii. 457). There was great rejoicing over his return to the capital after his long tutelage at Stirling; and the demonstrations, in the form of processions, feasting, ovations, and masques in the streets, did not cease for a month. There were expectations that, now that there was a real King in Edinburgh, though only in his fourteenth year, all troubles of his minority would be ended.

Holyrood-house, 6th October.

Sederunt—Domini ut in die predicto. Acta 1579-8

Case of William Turner, charged with adultery.

Supplication by Mr Williame Turnour as follows:—He was accused of the "filthie cryme of adultrie, allegit committit be him with Margret Broun, spous to Johnne Carmichaell, albeit he be innocent thairof, as God knawis; and for the foirsaid alledgit cryme he hes bene keipit straitlie in ward within the tolbuith of Edinburgh be the space of sextene oulkis bigane and mair. And now he hes satisfiit the said Johnne Carmichaell for the suspitioun consavit be him of the cryme foirsaid, off the quhilk he wes ewil informit; and he hes remittit the samin and all rancour, malice, hettrent, ewill mynd, and actioun baith criminale and civile, quhilk he consavit, had, or mycht have, aganis the said Mr Williame for the foirsaid alledgit cryme, and hes consentit that he be put furth of ward and pas at his libertie." It is petitioned, therefore, that command "be gevin to the provest and baillies of Edinburgh to put the said Mr Williame to libertie furth of the said tolbuith, conforme to the said Johnne Carmichaellis consent."—Parties having been called, and the petitioner appearing by Johnne Broun of the Land, and Archibald Stewart, provost of Edinburgh, Gilbert Dik and Robert Ker, bailies, also appearing personally, who "producit ane act of the ministeris, eldaris and deaconis of the burgh of Edinburgh, declairand that the said Mr Williame confessit in thair presence that he had ado with the said Margaret Broun upoun the last day of Marche last bipast and at diverse tymes sensyne," the Lords ordain the petitioner to find caution to appear to answer before them for the said crime, on six days' warning, under pain of 500 merks, and at the same time authorise the magistrates of Edinburgh to liberate him from the tolbooth when the caution is found. Page 345.

Complaint of George Nisbet of that Ilk.

Complaint by George Neisbett of that Ilk, as follows:—"He traistis it is not unknawin to his Majestie and Lordis of Secreit Counsale how he hes bene verray extreamelie and hardlie handillit be Alexander, commendatar of Coldinghame, anent his teindis of the landis of Neisbett, with the pertinentis, liand within the parochin of Eddrem." He has been forced for several years to complain to the King and Council on the subject, "and specialie the last yeir, for that, eftir his cornis war schorne he culd have na teinding of thame be the said commendatar, bot [was] constrynit to suffer thame remane upoun the ground, for eschewing of actioun of spuilyie, quhill the maist part of thame war rottin and consumit." By order of the King and Council, certain persons had, accordingly, been appointed to teind his corns, placing them upon the ground of the said lands, "thair to remane to be furthcumand to the said Commendatar, and all utheris havand interes thairto." He has this year like occasion of complaint against the Commendator, who "differris to teind the said Georgis cornis, off this instant crop and yeir of God j^{m}v^{c}lxxix yeiris, notwithstanding divers intimationis maid to him to that effect," so that his corns yet standing upon the ground "are in point of tinsell."—Parties having been called, and both appearing

Acta 1579-81. Page 346. personally, the Lords now ordain the defender to teind the said corns of the lands foresaid for this year, upon 8th October instant, "wether servand to that effect," and, failing thereof, upon the first fair day thereafter. If he fails, charge is to be given to "sic newtrall personis as the said George sall gif in bill," to teind the same; whose teinding shall be as effectual as if done by the said Commendator, his factor or servants.

Gilbert Panton against Dalgarnoch of that Ilk, his two sons, and his brother.

Complaint by Gilbert Pantoun in Morlawis, as follows:—In May last he had obtained letters charging Patrik Dalgarnoch of that Ilk, Williame and Johnne, his sons, and Gilbert, his brother, to appear before the Council and answer for "divers oppressionis committit be thame upoun the said Gilbert." On his return home, however, with the design of putting the letters in execution, he had been "in sic sort menassit be the saidis personis that, for feir of his life, and throuch the persuasioun of certane baronis and gentilmen duelland beside him, he wes constrynit to pas fra his persute, as alsua his tak and rowme, and to appoint with the said Patrik Dalgarnoch, for na thing or litill commoditie in effect," giving him a discharge and receiving one in return. He had hoped after that agreement to live peaceably with his wife and children, unmolested by the said Patrik; but it had hardly been made when the said Patrik and his accomplices came "quhair the said Gilbert wes teilland and lauborand his land, and boistit and put him thairfra violentlie be way of deid; like as the said Patrik put the said Gilbert fra his awin hous, and perforce ejected him furth of the samin, not suffering him to remove his guidis." Further, "eftir midsomer last, the said Patrik gadderit the haill plewis of the cuntrie, and fauchit the ley land of the said Gilbertis tak landis, and maid a passage with men, plewis, hors, and oxin throw the middis of his cornis, distroyand thairthrow ane gret quantitie thairof." Nay, more, the said persons, "not being satiat heirwith, bot continewand in thair oppressioun of the said Gilbert Pantoun, his wife and bairnis, come upoun the xxv day of August last bipast, accumpanyit with xxiiii personis thair complices or thairby, to the toun of Morlawis, and thair perforce intromettit with, reft, spuilyeit, and awaytuke be way of oppressioun the said Gilbertis guidis and geir underwrittin: that is to say, ten drawand oxin, four ky, ane hors, and ane meir, four scoir elnis of lynning and hardin claith, ane hundreth merkis money, togidder with the haill plennissing and furnissing of his house, estimat worth ane hundreth pundis, leavand him, his wife, nor bairnis, nather cleithing nor uther thing, to thair utter wrak and heirschip."—The defenders having been summoned to appear and answer on pain of rebellion, and now appearing personally, with Johnne Fowlis, their prolocutor, and the complainer also appearing personally, and both parties having submitted all actions between them to the judgment of the Lords of Council, the Lords ordain Patrik Dalgarnoch [1] to deliver to Gilbert Pantoun on or before the feast of Yule five score bolls of oats and six bolls of beir, "confest intromettit with be the said Patrik be virtew of ane gift of the said Gilbertis escheit disponit to Johnne Duff

Page 347.

in Castelfeild; quhilkis cornis grew upoun the aucht oxingang of land of the Newtoun of Garnastoun this instant crop and yeir of God j^{m}v^{c}lxxix yeiris;" and [2] to deliver to the said Gilbert "ane gray meir with ane foill, ane young blak staig, five oxin, tua quyis, and four elnis of lynning claith, betuix the dait heirof and the first day of November nixt to cum, confessit likewyis intromettit with be virtew of the said gift of escheit and letters past thairupoun; quhilkis gift of escheit and letters the saidis Lordis hes dischargit." At the same time, the said Gilbert Pantoun and his son, Johnne Pantoun, by order of the Lords, discharge the said Patrik Dalgarnoch, and his sons and brothers, of all actions of ejection, intrusion, and spuilyie competent against them for any cause bygone; and, further, they renounce any right or title which they had to the said eight oxgangs of land, so that the said Patrik and his heirs may freely enter into possession thereof. Acta 1579–81. Page 348.

Holyrood-house, 7th October.

Caution for Mr William Turnour.

Caution in 500 merks by Johnne Broun of the Land that Mr Williame Turnour shall satisfy the kirk for his adultery with Margaret Broun, wife of Johnne Carmichaell, and shall appear when required before the Council on six days' warning [see *ante*, p. 224].

Holyrood-house, 8th October.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Joannes, Comes de Montrois; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; David, Commendatarius de Dryburgh; Willelmus Murray de Tullibardin, miles, Computorum Rotulator.

Bailies, Council, and Deacons of Crafts of Edinburgh, in the matter of election to the Provostship.

Representation to the King and Council by the bailies, council, assessors, and deacons of crafts of Edinburgh, to this effect:—They had been charged by the King's letters "to elect and cheis Alexander Clerk, thair comburges, in provest of the said burgh for the yeir to cum within thre houris nixt eftir the charge, under the pane of rebellion, and, gif they failyeit, to put thame to the horne." To show their humble obedience, they had assembled immediately and elected the said Alexander to be provost; "and not onlie that, bot alsua, seing he is now absent in Fyff, thay have alreddy directit thair writing to him, declairing the maner to him, and willing him to cum owir and accept the office." They pray, therefore, that the letters against them in the matter, and the pains therein, may be suspended simpliciter. This petition is presented for them by Henrie Neisbett and Johnne Adamsoun, two of the bailies; who also present an extract from the Burgh Records, signed by Alexander Guthrie, the common clerk of the burgh, certifying the due and formal election of the said Alexander Clerk to the provostship till Michaelmas next, on the 6th of October last, in the tolbooth of the burgh, none of the bailies, council, or deacons being absent, "bot all in ane voce aggreand, consentand, and voittand thairto, without discrepance, conforme to his Majesteis charge and command gevin be mouth." From this certified Page 349.

Acta 1579-81. extract, which is given in full in the entry, it appears that the King's command had been given on the same 6th of October, "in the palice of Halieruidhous, in presence of his Hienes Secreit Counsale, with his awin mouth," in repetition of a former charge to the same effect, and also that on the next day the bailies, council, and deacons had despatched their missive to the newly-elected provost, "requeisting him with all diligence to repair towartis thame for executioun of the said office." All which having been considered, the King and Council grant the prayer of the petition, and suspend the aforesaid letters and their effect simpliciter in time coming.

Sederunt—Domini ut in die predicto.

Holyrood-house, 10th October. Archibald Auchinleck against a number of persons for personal injury.

Complaint of Archibald Auchinlek of Cumlege, as follows:—Ferdinand Hume in Brumehous, George Hume in Crameluke, Diones Hume, Robert Fala *alias* Baillie, Hob Monylaif, Johnne Manderstoun, son of Arthour Manderstoun, Thomas Henrysoun, brother of Cuthbert Henrysoun, Johnne Quhitlaw, Mungo Abirnethie, Patrik Michelsoun, George Manwell, Williame Clerk, Hob Monylaif, Cuthbert Currie, Johnne Craig, all inhabitants of Dunce, and Johnne Monylaif of Dunse Mylne, George Levingstoun, Hew Simpsoun, Hew Johnnestoun, Matho Allane, Williame Kemp, and Williame Piet, dwelling at Dunse Law, had, on the 19th of September last, with divers others, "to the nowmer of fiftie personis or thairby, all bodin in feir of weir, with jakis, steilbonettis, pistolettis, lang gunnis, speiris, and utheris wappynnis," come to the complainer's lands of Cumlege, and there "maist cruellie invaidit him at his awin dwelling hous for his bodilie harme and slauchter, like as they had not faillit to
Page 350. have slane him at that tyme gif they had gottin him, and the said George Hume presentand ane pistolet to him, quhilk had slane him gif scho had not misgevin." Afterwards they had come to the place where the complainer's servants were leading his corns, and "thair cruellie hurt and struke Thomas Carmichaell, Johnne Cunninghame, and Johnne Reid, his servandis, with bauch strekis, in divers partis of thair bodiis; as alsua struke and hurt his oxin and hors ledand his cornis with divers gret strekis, quhairby they will nevir be abill to serve heireftir." Besides the injury to the complainer, these oppressions of his Majesty's "puir legis" are a scandal, "as gif thair war na soverane prince, authoritie, nor justice to puneis thame; and, without his Hienes tak sum gude ordour for puneisment of this oppressioun, and how the said Archibald may leif in tyme cuming as his Hienes frie lege, untrublit or persewit be the said personis, he wilbe constrynit, for his awin just defence, to meit force with force, and wrang be wrang."—Four of the defenders having been summoned in due form to answer the charge under pain of rebellion, and parties having been called, and the complainer appearing personally, with Mr Johnne Russell as his prolocutor, and also three of the summoned defenders, viz., George Hume, and Robert and John Monylaws, with Mr Thomas Craig

as their prolocutor, the Lords continue the case till the 14th of November next, but ordain Ferdinand Hume, the fourth of those summoned, to be denounced rebel for not appearing. Acta 1579–81.

Holyrood-house, 11th October.
Caution for Menteith of West Kerse and his servants.

Caution in £100 by Williame Levingstoun of Kilsith, and by his son and apparent heir, for Williame Menteith of West Kers and his servants and tenants [see *ante*, p. 221], to the effect that, if it shall be found that they ought to restore to the lands of Caverca "ony mair beir nor the quantitie ellis restorit be thame," then they shall make good the defect. [See previous entry, of September 26, 1579, for the whole case, and the names of all the parties in it]. Page 351.

Holyrood-house, 15th October.
Caution for Arthur Granger.

Caution by Mr David Gardin of that Ilk, that Arthour Granger, sometime chamberlain of Abirbrothok, shall pay to Lord Ruthven, treasurer, 21 bolls of meal, 24 bolls of beir, 11 chalders of oats, together with the teindsheaves of Abirbrothok, of the crop of 1578, if it be found that he ought to pay the same.

Holyrood-house, 19th October.[1]

Sederunt—Colinus, Comes Ergadie, Cancellarius; Robertus, Comes de Lennox; Hugo, Comes de Eglintoun; Joannes, Comes de Montrois; Episcopus Sanctiandree; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Commendatarius de Deir; Clericus Registri; Clericus Justiciarie.

The Earl of Morton and Dame Janet Murray.

Complaint of James, Earl of Mortoun, as follows:—Though he was heritably infeft in the mains of Halbarnis and place of Halyairdis by the late James, Lord of Torphichin, Dame Jonett Murray, relict of the said lord, has obtained letters subscribed by the King, charging the keepers of the place of Halyairdis to deliver it to officers of arms within six hours, under the pain of treason, and also other letters, similarly subscribed, charging the complainer and his servants "to disludge furth of the said place of Halyairdis and leif the samin void and red, to the effect the said Dame Jonett and hir servandis appointit be hir may entir to the possessioun thairof, and continew thairin, conforme to hir richt, within sex houris nixt eftir the charge, under the pane of horning." He pleads that "the saidis chargis ar altogidder wranguslie and ewill gevin, aganis all gude ordour, law and justice, the like nevir being hard nor sene in this realme, purchest upoun narratioun of partie be circumventioun of his Hienes, in sa far as it is planelie confessit be the said Dame Jonett in the said charge that the said place pertenit to hir said umquhile spous, quha disponit the samin to the said Erll in maner foirsaid; and trew it is that Page 352.

[1] The day of this Council meeting was a Sunday. On Friday the 17th of October there had been a grand triumphal progress of the King through the streets of Edinburgh, from the West Port to the Abbey; and on the day after this sitting, Monday the 20th, the Parliament was to meet.

Acta 1579-81. the said Dame Jonett adheirit not to hir said umquhile spous, notwithstanding requisitioun maid to hir thirupoun, this lang tyme bigane, nor yit declairis scho in the saidis chargis quhat richt scho hes to the said place; nor yitt wes the said Erll summoned to heir the saidis chargis gevin, as he aucht to have bene, nor to allege the caus quhairfoir he sould not disludge, conforme to the law and ordour observit in sic caissis."—Parties having been called, and the Earl of Mortoun appearing personally, with Mr David M^{c}Gill and Mr Johnne Scharp, his prolocutors, and Dame Jonett Murray appearing by Mr Johnne Grahame, her procurator, who
Page 353. produced both the said charges of treason and horning, the Lords thereupon decern both the said charges "to be wranguslie and inordourlie gevin, proceidit, and execute," and therefore suspend them, because they were passed without regular advice of the Lords of Council convened on the suit of party, and were not "upoun ony occasioun concerning his Hienes self, as his Majestie declairit."

Precautions against the Plague:—The King and Council have been credibly informed "that the infectioun and plague of the pistolence is not onlie in divers townis and partis of the coist of England quhair the schippis and subjectis of this realme usis to traffique, bot als within the toun of Beruik, and sindrie utheris boundis of the Eist and Middill Marchis of England quhair his Majesteis subjectis likwayis resortis; as alsua sindrie Englismen repairis to the commoun marcattis upoun the Bordouris of this realme, quhairthrow thair is evident perrell of the further infectioun of the said plague to be spred in this realme, without God of his mercy impeid the same." Orders are therefore to go furth charging the lieges travelling by sea not to repair to infected parts of the coast of England, "and, gif ony of his Hienes subjectis returnis thairfra, that they contene thameselffiis separat and apart, unmedling or entering in cumpany of uther people, or breking bowke of thair guidis and wairis, bot keip the samin clois quhill they and thair saidis guidis be tryit sufficientlie and at gude lasour to be fre and clene of all infectioun, under the pane of deid." Further, it is ordered that there be open proclamation at the market crosses of Edinburgh, Coldinghame, Duns, Kelso, Jedburgh, and other places needful, prohibiting Scotsmen to pass to Beruike or other infected district of England within the East and Middle Marches, or Englishmen to come thence to Scotland, "without it be in the expres service of the Princessis, direct be thair wardanis and officiaris, and having thair testimoniall, for the space of ane moneth eftir the publicatioun heirof, under the pane of deid to be execute upoun the dissobeyaris; during the quhilk space" the holding of markets at Duns and Kelso is also forbidden. And, "for executioun of the premisses within the burrowis and townis of the sey coist of this realme fra quhilkis schippis sales
Page 354. or they arrive," commission is given, with full powers, to magistrates within burghs, and to wardens within the East and Middle Marches, to put the contraveners of this Act to the knowledge of an assise.

Precautions against the approach of the plague from England.

Holyrood-house, 20th October.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Archibaldus, Comes Angusie; Robertus, Comes de Lennox; Joannes, Comes Atholie; Joannes, Comes de Mar; Andreas, Comes de Rothes; Joannes, Comes de Montrois; Andreas, Dominus Uchiltrie; Georgius, Dominus Seytoun; Allanus, Dominus Cathcart; Patricius, Archiepiscopus Sancti Andree; Jacobus, Archiepiscopus Glasguensis; Episcopus Dunkeldensis; Alexander, Episcopus Brechinensis; Adam, Episcopus Orchadensis; Georgius, Episcopus Moraviensis; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Robertus, Commendatarius de Deir; David, Commendatarius de Dryburgh; Adam, Commendatarius de Cambuskynneth; Clericus Registri; Clericus Justiciarie.[1] Acta 1579–81.

Caution for Lady Innermeath.

Caution by James Betoun of Creich for Dame Elizabeth Betoun, Lady Innermeith, that she shall make the maills and profits of the baronies of Innerkelour and Innermeith furthcoming to the party having right thereto "at the end of the actioun of divorcement persewit be hir" against James Gray [see *ante*, p. 218].

Mr John Granger against the chamberlain of Arbroath Abbey.

Complaint by Mr Johnne Granger, reader at Abirbrothok:—Although he had been "lauchfullie providit to the vicarage of the said abbacie," by gift under the privy seal and decreet passed thereon, and has been in possession for three years, yet Johnne Dowglas, chamberlain of the said abbey, "sen he hes enterit to that service, hes planelie inhibit the tennentis to answer the said Mr Johnne of the teind fischis pertening to the said vicarage," but "maist unlauchfullie withhauldis and caussis thame to withhald the samin fra him." Having before complained of this "oppressioun," he had obtained the King's missive letters desiring the chamberlain, because of the petitioner's office and poverty, not to trouble him in his possession, "declairing to the said Johnne Dowglas that it wes not his Hienes meaning that he in that office sould offend ony of the said Mr Johnnis calling or vocatioun, bot rather to be ane fortifear of thame." Notwithstanding, Johnne Dowglas, upon 24th September last, "maist stubburnlie contramandit the saidis tennentis to obey the said Mr Johnne in ony sort," saying that, in spite of any letter sent, or any command given therein, "he wald mell with the saidis teind fischis upoun perrell of law."—Parties having been called, and the complainer appearing personally, but the defender not appearing, the Lords decern Johnne Dowglas to desist from his molestation, and to suffer the complainer "to intromet, uptak, and dispone" of the said teind fishes, according to his said gift and decree already passed thereupon, because the said Johnne Dowglas failed to appear on summons. Page 355. Page 356.

[1] This sederunt was a kind of fragment at Holyroodhouse of the Parliament which met the same day in the Tolbooth of Edinburgh. It was very largely attended, there being present about twenty nobles, as many titulars of the Ecclesiastical order, and thirty Commissioners of Burghs. It was to sit till the 11th of November.

Acta 1579–81. Caution in £1000 by James Menzies, of that Ilk, for Alexander Jarden of Apilgirth, that he will remain in Edinburgh "ay and quhill he be fred be the Kingis Majestie." Caution for Jardine of Applegarth.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes de Ergadie; Jacobus, Comes de Lennox; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Joannes, Comes de Mar; Patricius, Dominus Lyndesay; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart. Holyrood-house, 22d October.

Supplication of George Dowglas of Parkheid, as follows:—He has been "ane obeydient servand to his Hienes, alswele in mantunance of his Majesteis authoritie in all tyme bigane as in keiping of the castell of Edinburgh and thankfull delivery thairof at his Hienes command." For this service, he had been promised a reward, "quhilk he hes not yit obtenit." It is true, indeed, that, "be the forfaltour of the Lord Flemyng, he obtenit presentatioun to the Lard of Rosling of the landis of Castell Rankene, with his infeftment thairupoun;" which he still possesses. But now, hearing that Johnne Flemyng, son and heir of the late Lord Flemyng, is to be restored, he "maist humilie, thairfore," beseeches his Majesty to except the said lands from the restitution proposed.—The petition "being hard and considderit," the Lords, "having respect to his Hienes promeis ellis maid of the restitutioun of the said Johnne Flemyng, quhairthrow the said infeftment cannot be exceptit as is desirit, and yit willing to satisfie the said George utherwayis for his guid service," advise his Majesty to promise "to remember and acknawlege the said Georgis gude service, and to gratifie him thairfoir heireftir, as his Hienes may gudlie have occasioun thairto." George Douglas of Parkhead, in the matter of a reward promised him for faithful service.

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Complaint of Henrie, Lord Sinclair, and Johnne Carmylie, his servant, keeper of his house of Knokhall in Abirdeneshire, as follows:—"Upoun the xv day of September last bipast, at 12 houris in the nicht, certane weikit personis, to the nowmer of threttie or thairby, all bodin in feir of weir and missallis, come to the said hous, ledderit the samin at ane windo, enterit thairin, and maid thameselffis maisteris thairof; tuke the said Johnne Carmylie in his bed, and band him hand and fute, and laid him in a laich hous, quhill on the morne at day licht, that they sufferit him to depairt; and than stuffit and mannit the said hous, and haldis the samin as ane hous of wear continewallie sensyne, having spuilyeit not onlie the said Lordis haill guidis, geir, and plenissing that war within the same, bot alsua spendis and distroyis his cornis, cattell, and utheris guidis that ar about the said hous, to his greit dampnage and scaith." He has not yet ascertained the names of the authors of this outrage, "onlie saulffing that he suspectis ane Williame Forbes, callit of Spaysyde, a brokin and unresponsall man, sould be ane of the saidis authoris, becaus of his liberall speicheis usit of befoir to put this inordinat deid in execu- Sacking of Lord Sinclair's house of Knockhall in Aberdeenshire.

tioun."—This Forbes and others having been summoned to answer, and the complainer, Lord Sinclair, now appearing for himself and his servant, but none of the accused appearing, the order is that Williame Forbes, Johnne Bisset, Johnne Pilmure, George Pilmure, his brother, and Williame Blakhall of that Ilk, "takaris, havaris, and withhaldaris of the said Lordis hous," shall deliver the same within three days after being charged, under the pain of treason. Acta 1579-81. Page 358.

Caution for the Laird of Gartshore.

Caution by Robert Grahame of Knokdoliane, in £200, for Johnne Gartschoir *alias* Galfurd of Gartschoir, that he will not harm Bessie Thomsoun.

Holyrood-house, 27th October.

Caution for Lord Maxwell.

Caution in 20,000 merks by Alexander Stewart of Garleis and James Maxwall of Calderwod, for Johnne, Lord Maxwall, that he will remain in ward in Blaknes Castle, and four miles about, till relieved.

Holyrood-house, 28th October.

Sederunt—Domini ut in die predicto.

Order banishing from Edinburgh and from Court all of the name of Hamilton.

"Forsameikle as the Kingis Majestie, with avise of his thre Estaittis, convenit in this present Parliament, hes concludit the dome of forfaltour to be pronuncit aganis Johnne Hammiltoun, sumtyme Commendatar of Abirbrothok, Claud Hammiltoun, sumtyme Commendatar of Paslay, and certane of the name of Hammiltoun and utheris thair complices, culpable of the maist cruell and detestable murthouris of umquhile his Majesteis dearest guidsire and uncle, the Erllis of Lennox and Murray, of gude memorie, regentis to his Hienes, his realme and liegis for the tyme, and utheris odius crymes and treasonis committit be thame; and, albeit the saidis Johnne and Claud Hammiltonis ar reportit to be furth of the realme thame selffis, yit thair houshald and utheris servandis, and utheris of thair name, kin, freindis, and speciall dependaris, that actuallie assistit thame in thair weikit deidis during thair rebellioun aganis his Hienes authoritie in his young aig, ceissis not dalie to frequent his Hienes court and places of his residence in a mair hamelie and presumptuous maner then is convenient to be sufferit, remembring the treasonabill, bludie, and disperat attempttattis quhilkis thay and thair foirbearis hes perpetrat aganis his Hienes progenitouris and dearest freindis, augmented with thair rebellioun aganis his Majesteis self and his authoritie: Thairfoir ordanis letters to be direct to officiaris of armes, shereffis in that part, charging thame to pas to the marcat croce of Edinburgh and utheris places neidfull, and thair, be oppin proclamatioun in his Hienes name and authoritie, command and charge all and sindrie personis of the surname of Hammiltoun (Sir James Hammiltoun of Crawfurdjohnne, his sonis, servandis, and propir dependaris, exceptit), all houshald and utheris servandis of the saidis Johnne and Claud Hammiltonis, and all utheris thair dependaris that actuallie assistit thame in thair weikit deidis and rebellioun bigane, that they and everie ane of thame depart and avoyd thame selffis furth of the burgh of Edinburgh, within sex houris nixt Page 359.

Acta 1579–81. eftir the charge, and that nane of thame presume nor tak upoun hand to repair within sex mylis of his Hienes persoun, in quhatsumevir part or place his Hienes sal happin to be and mak residence, under the pane of deid; with certificatioun to thame, and they failyie, they salbe taikin, apprehendit, and put in prissoun and firmance, quhill the said pane of deid may be execute upoun thame for thair contempt and presumptioun."

Caution for two servants of Jardine of Applegarth.

Caution by Williame Creychtoun, tutor of Sanquhar, that Williame Archibaldsoun and George Flemyng, servants of Alexander Jarden of Apilgirth, shall "fulfill sic ordour as the Warden, with avise of the baronis of the West Marchis of this realme, sall appoint unto thame," each under penalty of £100, and Jarden relieving the cautioner.

Sederunt—Domini ut in die predicto.

Holyroodhouse, 7th November.

Band by and for the Earl of Craufurd.

Registration of band for David, Earl of Crawfurde, by Robert Symmer, appearing as his procurator:—The said Earl, as principal, and David Betoun of Melgund, James, Master of Lyndesay, Adame Creychtoun of Ruthvennis, Johnne Lyndesay of Evelik, David Forrett, apparent of that Ilk, and David Lyndesay of Kynnettillis, as cautioners for him, under-
Page 360. take that the said Earl shall keep good rule and order, "and on nawayis invaid, molest, truble, or persew" Mr Thomas Lyoun of Baldukie, or his men, for any cause whatsoever, "unto the first day of Maii nixt to cum," under pain of £10,000. The band, executed at Edinburgh, on the 5th November, is witnessed by Robert Dempstar, notary public.

Holyroodhouse, 14th November.[1]

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Robertus, Comes de Lennox; Robertus, Comes de Buchan; Hugo, Comes de Eglintoun; Andreas, Comes de

[1] The Parliament had risen on the 11th of November, their main Acts having been passed that day and the day preceding. Among these Acts the chief was the "*Forisfactura*" or "Forfaulture" of Lord John Hamilton and Lord Claud Hamilton, together with the following persons associated with them:—Gavin Hamilton of Reploch; Robert Hamilton of Dalserf; James Muirhead of Lauchope; David Hamilton of Monkton Mains; John Hamilton of Shawton; Andrew Hamilton in Helies; Robert Hamilton in Letham; John Hamilton in Kilbowie; Robert Balfour, brother to Sir James Balfour of Pittendreich (*ante*, p. 185, and footnote there); and James and Alexander Baillie, sons of Baillie of Littlegill.—Among other Acts was one "tueicheing the disheresing of the posteritie of thame that ar convict of the murtheris of the King our Soverane Lordis dearest father and tua Regentis," one ratifying the Revocation of grants and pensions made in the King's minority, one approving of the proceedings of the Commissioners against the two Hamiltons, one ratifying the exoneration given to the Mar family for their tutorship of the King, one relating to the University of St Andrews, and several, though of no great importance, relating to Religion and the Kirk (see Acts of Parl. iii. 121–187).—There was, as usual, a special Act "anent the establischeing of the Kingis Majesties Counsale." By this Act, the Council was to consist thenceforth of the following twenty-seven persons:—Morton; the Earl of Argyle, *Chancellor;* the Earl of Lennox; the Earl of Montrose; the Earl of Rothes; the Earl of Eglinton; the Earl of Buchan; Lord Ruthven, *Treasurer;* Lord Lindsay of the Byres; Lord Boyd; Lord Ochiltree; Lord Cathcart; Lord Herries; Robert Pitcairn, Commendator of Dunfermline, *Secretary;* David Erskine, Commendator of

Rothes; Joannes, Comes de Montrois; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Adam, Commendatarius de Cambuskynneth; Jacobus, Commendatarius de Sanct Colme; Computorum Rotulator; Magister Jacobus Halieburtoun, prepositus de Dunde. Acta 1579-81.

John Whitefurd against his father, stepmother, and half-brother.

Complaint of Johnne Quhitfurd, son and apparent heir of Johnne Quhitfurd of that Ilk:—His father, partly on account of the "constant and trew service done be him to his Hienes, in furthsetting of his Majesteis authoritie at all tymes to his power, sen his Hienes coronatioun," and partly by the persuasion of Margaret Simple, his said father's present wife, and the complainer's stepmother, "hes still procurit and socht his wrak and distructioun." Father and stepmother together "hes done quhat in thame lay to defraud him of that quhairunto he aucht to succeid be the law of God and nature, as eldest lauchfull sone and air of his said fader, be putting of Adame Quhitfurd, his sone, gottin betuix him and the said Margaret Simpill, now his spous, in fie of the haill landis of Quhitfurd." Of this transaction, as the said complainer is informed, he has obtained confirmation at the hands of the King's treasurer, nothing now being wanting to complete the title of the said Adam "bot his Majesteis gret sele, being alreddy past the uther selis." Such a grant, the complainer believes, would not have been made "gif the said complineris service past, and his said broderis conditionis and behaviour, had bene knawin" to the King, his said brother having at all times assisted the King's traitors, even "cuming in thair cumpany with displayit baner to bereif his Majestie of his life and croun." This conduct having been reported to the King and the late Regent Mar by the present complainer, not only had command been given to libel summons of treason against him, but the complainer had received promise from the Regent of "the forfaltour of the said Adamis landis and heretage and escheat guidis, quhen the samin sould fall in his Hienes handis."—Parties having been called, and the complainer appearing personally, with Mr Thomas Craig, his prolocutor, and his half-brother, Adam Quhitfurde, being also present, with Mr Johnne Skene, his prolocutor, the Lords, on consideration, find no cause to stop the confirmation in the latter's favour, and Page 361.

Dryburgh; Robert Keith, Commendator of Deer; Mark Ker, Commendator of Newbattle; James, Commendator of St Colm's Inch; Alexander, Commendator of Culross; Adam Erskine, Commendator of Cambuskenneth, *Collector-General;* Sir William Murray of Tullibardine, *Comptroller;* Mr George Buchanan, *Preceptor to the King;* Sir Lewis Bellenden of Auchnoull, *Justice-Clerk;* Alexander Hay, *Clerk-Register;* Mr Robert Crichton of Elliok, *King's Advocate;* John Erskine of Dun; and Mr James Haliburton, Provost of Dundee. Mr John Colville, Master of Bequests, and the Clerk of Council and Secretary-Depute, were to be present in time of Council, though not as members; and the quorum of Council for all important business was to be *eight.* Public business was to be taken, as far as possible, in the forenoon sittings of Council, and private in the afternoons; and there were rather minute regulations for signatures to papers, &c. (Acts of Parl. iii. 150, 151).

Acta 1579–81. order the keepers of the Great Seal and director of Chancery to "pas and expeid" the same without longer delay.

Andrew Rollock against Lord Elphinston.

Complaint by Andro Rollok, brother of George Rollok of Duncrub:—He and certain others had been cited in September last, at the instance of Robert, Lord Elphingstoun, on the charge of having come to his Lordship's lands, "and with thair horssis eittit, distroyed, and trampit doun certane
Page 362. his cornis growand thairupoun" [see *ante*, p. 220]. For his non-appearance to answer the charge on the first letters issued, Lord Elphingstoun has obtained other letters, "quhairwith he hes alreddy, at the leist intendis schortlie, upoun verray malice, to caus denunce him rebel and put him to the horne wranguslie;" the fact being that "the saidis first letters wer purchest upoun wrang narrative," the complainer having been, at the date of the alleged crime, away at the place of Glammis, nearly 40 miles distant from the said lands, in the service of Mr Thomas Lyoun, Master of Glammis. Further, the said first letters had been "ewill and inordourlie execute upoun the said Andro, he not being summoned personally, nor at the place of his residence, nayther wes thair ony intimatioun maid to him thairof." He submits, therefore, that the said letters and the process of horning following thereupon should be suspended simpliciter. Parties having been called, and the complainer appearing, with Mr Edmond Hay, his prolocutor, and Lord Elphingstoun appearing by Patrik Drummond, younger, of Carnok, his procurator, the Lords do suspend the said letters, remitting the principal cause to the judge ordinary.

Colquhoun of Luss against Robert Campbell and others.

Complaint of Umphra Colquhoun of Lus, James Colquhoun of Carscube, his tutor, for his interest, Patrik M°Casland, Allane M°Callane, and Johnne M°Ilnarinoch, in Fynnart in Portcapill, belonging to the said Umphra in heritage, against Robert Campbell, son of Donald Campbell of Auchnawilling, Patrik Campbell, his brother, Doncane Roy M°Ilturnour, Archibald M°Ilvoray, and Johnne Bane *alias* Campbell, M°Sir Duncane, tenants and servants of James Campbell of Arkinlas. It is alleged that, "with thair complices to the nowmer of xxiiii personis, bodin in feir of
Page 363. wear, off the speciall causing, hounding or command, assistance and ratihabitioun, of the said James," they came upon the 9th of October instant "to the saidis landis of Fynnart, pertening to the said Umphra heretabillie, as said is, and thair, under silence of nycht, brak up the durris of the houssis thairof perforce, enterit thairintill, and not onlie reft, spulyeit and tuke furth of the same aucht ky, four hors and meiris, with insicht extending to the value of ane hundrith pundis, bot als tuke the saidis Patrik M°Casland, Allane M°Callane and Johnne M°Ilvarnak, and led thame away captive as prissoneris to Dynnone in Ergile, quhair thay ar detenit as yit."—The complainers appearing by Mr Thomas Craig, their procurator, and Johnne Colquhoun in Edinburgh, his informer, and there appearing of the defenders only James Campbell, who presented Archibald M°Ilvoray as his servant, but denied the other persons

to be his tenants or servants, or that the said crime was done by his "causing" or "witting," and declared that the complainers were now at liberty, the Lords are satisfied with Campbell's appearance and statement, but ordain the defenders not appearing to be put to the horn. Acta 1579–81.

Representation by Ker of Cessford, Warden of the Middle March.

Representation by Williame Ker of Cesfurd, younger, Warden of the Middle Marches, as follows:—"For a lang quhile bigane thair hes bene na publict meiting keipit betwix him and the opposite wardanis of the Eist and Midle Marches of England, be occasioun of sum impedimentis resting to the ordering and decisioun of commissioneris of baith the realmes, and yit promeis standing betuix the wardanis and thair deputis for present redres of all attemptattis and disordouris committit in the meantime." There has been an accumulation of such—(1.) Complaint has been made to the said Warden by the Laird of Pansoun, Englishman, against certain persons —viz.: Walter and Thomas, sons of Sir Thomas Turnbull of Beddroule, James Turnbull and George Turnbull of the Toure, Hobbat Hall and Mekie Hall, banished Englishmen, and servants to the Laird of Beddroule, Gib Lorane, son of the Laird of Harwod, Thome Turnbull in Abbotrule, son to Thome of Hartishauch, Thome Turnbull, sone to Hekie of Hartishaugh, Archie Turnbull of Langraw, Thome Turnbull, younger, of Hassindanebank, *alias* called the Tutor, Hob Turnbull in Raperlaw, George Turnbull in Belsis, David Turnbull, his brother, and their accomplices, to the number of 40 persons—for having come to Pansoun on the 3rd of October last, and "maisterfullie in feir of weir dang up the said Laird of Pansonis durris, and forcibly reft and awaytuke xl ky and oxin, twa geldingis, tuke himself prissoner, and spuilyeit him of his purs and uther geir to the valu of £10 sterling." (2.) There is complaint to the said Warden by George Chailer of the Wodhoussis against Jok Hall of the Sykis, Jok Hall, called Paittis Jok, Raulphe Robsoun of Houstoun, Robert Fraser, younger, of Ovirtoun, Thome Hall in Foulscheillis, James Anislie in Jedburgh, and their accomplices, "for pulling doun of a peill of the said George Chaleris upoun the tent day of September last, and sta and awaytuke xl ky and oxin, ane meir and ane foill." (3.) Complaint by Randolphe Mylneburne of the Snype, against Robert Fraser of Ovirtoun, Thome Hall in Foulscheillis, Andro Hall in the Sykis, Raulphe Robsoun in Houstoun, Jok Hall of the Sykis, Paittis Jok of Newbiging and their accomplices, "for the reif, steilling, and awaytaking," on the 26th of August last, of "xxx ky and oxin fra Lustie Gawin." (4.) Complaint by Williame Heroun, bailie of Hexhame, against Mungo Armstrang, called Flie the Gaist, Alexander Bell, called Crat Bell, Niniane Teviot of the Hilhous, Niniane Armstrang, called Gawdie, "for having, steling, and ressetting frome Medop, neir Hexhame, of twa horssis." (5.) Complaint by Johnne Broun of the Parkheid, against James Davidsoun in Birnerig, Robert and George Davidsonis, his brothers, Will Hall of Grundeisnuke, Raulph Robsoun, Jok Hall of the Sykis, Adie Hall of the Sykis, Adie Langsykis, Jok Robsoun, brother of Raulphe Robsoun, "for having, taiking, and ressetting of xl ky and oxin, insicht Page 361.

Acta 1579-81. worth x li. sterling, ane hors worth 20 merkis." (6.) Complaint by Robert Helme, Andro Quheit and Cuthbert Broun, Englishmen, against the young Laird of Ovirtoun and his brother, Jok Hall of the Sykis, Raulphe Hall there, young Andro Hall of the Sykis, Jok Hall, called Paittis Jokie, and his bastard son, Williame Hall of Middillisknowis, Raulphe Robsoun there, Matho Robsoun, his brother, James Davidsoun of Burnpaglo, and his bastard son, Habbie Davidsoun of Birnerig, George Davidsoun there, "for the stouth, reif, and awaytaking of lii ky and oxin," on 28th April last. (7.)
Page 365. Complaint by Oiswen Fynwik, against Jok Hall of the Sykis, Joke Hall, called Paittis Jok, Raulph Robsoun "for having and steling of aucht oxin," on 12th October instant.—None of the persons complained against will "mak redres of the saidis guidis reft and stollin be thame in maner foirsaid, aganis all gude ordour and the treatis of peax, to the complaineris, nor to the said Warden for his relief of his said promeis."—Those complained against having been charged to give satisfaction, or appear, under pain of rebellion, and the Warden appearing personally, and also Robert Fraser of Ovirtoun, who denied the charge against him, but the other defenders not appearing, the order against them all is that they restore the goods to the Warden within five days after charge, under pain of rebellion.

Holyrood-house, 19th November.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Robertus, Comes de Lennox; Robertus, Comes de Buchane; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Jacobus, Commendatarius de Sanctcolme; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Magister Jacobus Halieburtoun, prepositus de Dunde; Clericus Registri.

Alexander Steven against the minister of Dunfermline.

Resumed consideration of the action at the instance of Alexander Stevin, one of the convent of Dunfermling, and reader of the kirk of Beith,
Page 366. against David Fergussoun, minister at Dunfermling, for depriving him of his office for subscribing certain letters and evidents [*ante*, p. 209]. Fergussoun having been summoned before the Privy Council to answer for the "sentence of deprivatioun and admonitionis" pronounced by him against Stevin, and both parties appearing personally, the decree is that the pursuer be reponed in his office of reading, and the defender discharged from farther proceeding against him, "becaus this mater is thocht to be civile, quhairupoun deprivatioun aucht not to stryke be ony law or custume yit ressavit within this realme."

William Wylie against Mr Andrew Polwart.

Notwithstanding the decree obtained by Williame Wylie, writer, for his services in attending "on his Majesteis effairis, in writing and utherwayis,
Page 367. in tyme bigane sen his Hienes coronatioun," against Mr Andro Polwart, [*ante*, p. 138], the said Mr Andro continues to intromit with the living

assigned to the complainer from the sub-deanery of Glasgw: the defender "awaittand," as Wylie alleges, "quhen a convenient tyme may fall out meit for his purpois"—namely, "outher to purches a new signatour, or ellis a privie command for delivery of the said signatour alreddy past his Hienes subscriptioun and stayit as said is, or utherwayis purpoislie to suffer the same remane uncravit, to hinder his Hienes to gif presentatioun of the said benefice to sum uther qualifiit persoun, and sa to disappoint the said Williame of his said reward gevin him for his service."—The defender having been summoned to answer the complaint, and both parties appearing, Mr Andro Polwart with Mr Johnne Russell as his prolocutor, the judgment is that the "presentatioun grantit to the said Mr Andro of the said benefice" shall "be exsped and past but langar delay, without prejudice alwayis of the payment of the Kingis Majesteis thrid of the same benefice to his Hienes Collectour-generall." Acta 1579–81

Holyrood-house, 20th November.

Caution for the Commendator of Jedburgh.

Caution in 2000 merks by Alexander Hume of Manderstoun for Andro, Commendator of Jedburgh, that he shall deliver Hume Castle to Dame Agnes Gray, relict of Alexander, Lord Hume, and to Mr Thomas Lyoun of Baldukie, her present spouse, in case it be found that he should do so.

Holyrood-house, 21st November.

Sederunt—Domini ut in die predicto. Page 368.

Lady Torphichen against the Earl of Morton for keeping possession of her manor and house of the Hallyards.

Complaint of Dame Jeane Murray, relict of James, Lord Torphichin, as follows:—The barony of Listoun, and especially the manor place and manse thereof, called the Halyairdis, belong to her in conjunct fee [see *ante*, p. 228], she having been in conjunct possession of the same with her late husband "unto his deceis, quha deceissit in the said maner place the . . day of September last bipast; quhais possessioun wes hir possessioun, and hir possessioun his possessioun, be ressoun of the mariage lauchfullie contractit betuix thame, standing ay in effect undesolvit unto his deceis foirsaid." Though such is the fact, "nevirtheles James, Erll of Mortoun, and utheris in his name, at his command, assistence, and ratihabitioun, hes in the moneth of September last bipast violentlie and perforce enterit in the said hous and intrusit thameselffis in possessioun thairof, imput certane men of weare, bodin with gunnis, pistolettis, and utheris armes invasive, aganis the tennour of the Act of Parliament." This they had done, "the said Dame Jehannis husband being then on life and unabill to resist be ressoun of a deidlie seiknes of apoplexie, quhilk tuk the haill strenth of his body and use of his speiche frome him." Moreover, "a litill befoir his deceis, quhen scho come to vesie him and to gif him sic confort and consolatioun as ane spous aucht to hir husband, and wald have remanit with him, scho durst not do the same for feir of hir life, bot was compellit to reteir hir fra the said hous for the caus foirsaid, quhilk hous is yit occupiit and detenit be the said Erll and the saidis men of wear imput be him."—The Earl had been charged to render the place to the complainer, or else to appear before the

Acta 1579-81. Page 369. King and Council this day to show cause to the contrary; and now, "the said Dame Jeane Murray compeirand personalie, with Mr Johnne Grahame hir prelocutour, and the said James, Erll of Mortoun, being alsua personalie present, with Mr Johnne Schairp his prelocutour," the Lords, after hearing parties, "remittis the said mater to be persewit before the judges competent thairto as accordis."

Nicoll Hastie and his wife, against the magistrates and ministers of Edinburgh.

Complaint of Nicoll Haistie, cordiner and burgess of Edinburgh, and Elizabeth Urquhart, his spouse, against the provost, bailies, and ministers of Edinburgh, as follows:—They have been living in Edinburgh as husband and wife for four years without challenge, "quhill now laitlie that the ministeris, be the report of sum invyous personis, or upoun quhatsumevir uther occasioun he knawis not, hes oppinlie and publictlie, in the pulpit, specifiand thair names, admonischit thame expreslie to separat thameselffis." This is against all reason and equity, "it beand of veritie that they ar lauchfullie joynit togidder and mariit, thair bannis being lauchfullie proclamit and solempnizatioun thairof maid in the paroch kirk of Alter in Murray be Mr Andro Broun, minister thairof, and the haill ordour used, as his testimoniale will testifie." Though this proof had been presented to the ministers, "they, notwithstanding thairof, insistis forther thairin, and without ony just occasioun intendis to proceid to excommunicatioun, thair beand na tryell tane upoun quhat caus they do the same, as aucht to be befoir ony sic ordour hed bene usitt aganis thame;" and now "the saidis ministeris, provest, and baillies, all concurrand togidder, insistis in trubling of the saidis complineris, and will not desist and ceis thairfra without his Hienes and the Lordis of Secreit Counsale provide remeid."—Charge had been given to Alexander Clerk, provost, and Johnne Adamsoun, Robert Ker, Williame Litill, and Henrie Neisbett, bailies of Edinburgh, and to Mr James Lowsoun and Mr Johnne Durie, ministers of the same, to appear this day and
Page 370. answer the complaint; and now, "the said Nicoll Hastie compeirand personalie, and the saidis Johnne Adamesoun and Henrie Neisbett, baillies of the said burgh, compeirand alsua personalie, for thameselffis and in name of the provest and remanent baillies of the samin, quha denyit that they had ony wayis trublit the saidis Nicoll and Elizabeth for the caus foirsaid, and the saidis Mr James Lowsoun and Mr Johnne Durie, ministeris, being likwayis personalie present, quha declairit that thair proceiding aganis the saidis personis wes lauchfull, conforme to the ordour of the Kirk and power gevin to thame be the buik of God," the Council, after deliberation, "in respect of the said marriage standing unannullit, ordanis the saidis ministeris of Edinburgh to desist and ceis fra all forther proceiding aganis the saidis Nicoll and Elizabeth anent thair separatioun unto the tyme thair said mariage be annullit and dissolvit be the judge competent thairto as accordis, dischargeing the saidis ministeris of all proceiding heirin utherwayis in the menetyme, except for sclander, gif ony be ministrat, and of thair offices in that part."

Holyrood-house, 24th November. Half seal of Arbroath.

James Hammiltoun of Ruchbank produced the half seal of the Abbacy of Abirbrothok as charged. Acta 1579-8

Holyrood-house, 25th November. Caution for Lord Maxwell.

Caution in 20,000 merks by Thomas M^cClellane of Bomby and James Maxwall of Calderwod, for Johnne, Lord Maxwall, that he shall repair to and remain in Edinburgh as soon as he is released from Blaknes.

Holyrood-house, 28th November.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Robertus, Comes de Lennox; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Adam, Commendatarius de Cambuskynneth; [Alexander], Commendatarius de Culros; Clericus Registri; Prepositus de Dundie.

Suspension of horning against the Commendator of Jedburgh, on his caution to render Hume Castle.

Complaint by Andro, Commendator of Jedburgh, that his having been put to the horn for not delivering to Dame Agnes Gray, relict of Alexander, Lord Hume, and Mr Thomas Lyoun of Baldoukie, her present spouse, the Castle of Hume, in conformity with the charge given to him to that effect [see *ante*, p. 238], is wrong and unjust. His allegation is "that the said hous wes not taikin, intromettit with, nor detenit be the said commendatar, bot be Alexander, now Lord Hume, and his servandis in his name, and that conforme to the Pacificatioun maid and accordit upoun at the burgh of Perth upoun the xxiii day of Februar" 1572 [*see* vol. ii. pp. 193–200], "benefite quhairof wes grantit unto him; quhairin speciall mentioun is maid that all houssis and places pertening to ony personis returning to his Hienes obeydience sould be randerit to the awnaris without ony proces of law to proceid." In these circumstances, the letters against the complainer, "he not being takar nor withhaldar of the said house," had been "inordourlie direct and execute, without cognitioun tane to quhome the samin hous appertenit, the said Alexander, now Lord Hume, principall heritour thairof, and beand in possessioun, and swa havand speciall interes, not being summoned to have hard the saidis letters gevin, as of the custume and practik of this realme is usitt in sic caissis." The prayer, therefore, is that the letters and process of horning against the complainer be suspended simpliciter.—Accordingly, parties having been called, and "the said Commendator compeirand personalie, with Mr Johnne Russell his prelocutour, and the said Dame Agnes Gray, and hir said spous for his interes, compeirand be Mr Thomas Gray thair procuratour," the Council, after deliberation, "suspendis the samin letters and proces of horne contenit thairintil upoun the said Commendatar simpliciter in tyme cuming, becaus he has fundin cautioun to rander and deliver the said castell and fortalice of Hume to the said Dame Agnes Gray and Mr Thomas Lyoun, her spous, for his interes, or thair servandis in thair names." Page 371. Page 372.

Complaint of Johnne Twedie, tutor of Drummalyear, as follows:—"Be

Acta 1579-81. virtew of ane tak and assedatioun maid to him be James, Erll of Mortoun, lord of Dalkeith, in the tyme of his regiment, he wes in possessioun of the intromissioun with the dewiteis of the landis and leaving of Drummalyeare, as havand richt thairto," till, in September 1578, Sir Alexander Jarden of Apilgirth, knight, had forcibly intromitted with the same and taken up the rents from the tenants and occupiers, "howbeit the said Tutour hed taikin up the samin of befoir." The tenants, being thus "dowbill poindit," had obtained letters charging both parties to appear before the Lords of Session and produce their titles, and it had then been found that "the said Johnne Twedy had maist richt to intromet with the rentis of the said leaving." He had obtained decreet accordingly, dated July 8, 1579, "ordaning the tennentis and occupiaris of the samin to answer, obey, and mak payment of thair maillis, fermes, and dewiteis thairof to him, of the termes of Mertimes and Witsounday last bipast, and siclyke yeirlie and termelie in tyme cuming." The tenants also, while the matter was in dispute, had "causit fens and arreist all and sindrie the saidis maillis, fermes, proffeittis, and dewiteis, at thair instance, unto the tyme of the decisioun of the questioun." Nevertheless, the said Sir Alexander Jarden, in July last, "baith befoir the pronunceing of the said decreit and sensyne, satt doun upoun the ground of the saidis landis, held courtis thairupoun, and violentlie intrometit with and upliftit the dewiteis of the samin fra the tennentis," thus both contravening the decreet and breaking the arrestment.—The defendant had been duly
Page 373. charged to appear and answer under pain of horning; and now, the complainer, Johnne Twedy, tutor of Drummalyear, appearing personally, with Mr Henrie Balfour, his prolocutor, but the said Sir Alexander Jarden not appearing, the order is that he be denounced rebel, and put to the horn and to escheat, etc.

Sir Alexander Jardine of Applegarth denounced on the complaint of John Tweedie of Drumelzier.

Complaint of Patrik Davidsoun, Ross herald, and James Purdy, Ylay herald, as follows:—Their offices require them and their brother heralds peremptorily to "await continewallie upoun his Hienes service at all Parliamentis, conventionis of the nobilitie, entres of ambassadouris, makand of knychtis, lordis and erllis, and utheris ordouris," and also to be ready "to be send be his Hienes to forayne cuntreis." In respect of this service, "they and thair brether heraldis hes bene, in all thair predecessouris tymes, sen the first begynning of kingis within this realme, specialie reknit his Hienes domesticall servandis," and therefore "exemit fra paying of ony maner of stentis, taxtis, subsidis, or uther contributionis quhatsumevir, for ony caus or occasioun, imposit at ony tyme upoun his Hienes liegis to burgh or to land, and exemit and repledgit fra all maner of inferiour judges to thair awin propir judge, lyoun king of armes." The complainers moreover "eik that they twa in speciall all the dayis of the yeir ar occupiit in his Hienes continewall service about the inbringing of the superplus of the thriddis to his Majestie, under his Collectour generall, swa that in a quarter of a yeir they have not lasour to tarie sex

Ross herald and Islay herald exempted from a tax imposed by the Magistrates of Edinburgh.

dayis at thair houssis with thair wyffis and bairnis, except it be at the making of thair comptis, and then God knawis they ar earnistlie occupiit." Yet it has now fallen out, on the occasion of his Majesty's removal to Edinburgh, that the Provost, Bailies, and Council, to magnify his entry, "hes raisit a certane taxt and stent amangis the nychbouris of the toun, and thairin hes includit the saidis compliners, and taxt ilkane of thame to ane certane sowme, quha wes nevir taxt of befoir," the sole pretext being "becaus they have a certane leynding within the toun quhair thair wyffis and bairnis dwellis, and quhair they resort quhen they cum to that toun, quhilk is bot semdill; and, gif his Hienes and the sessioun of justice war not thair, they wald be sone removed." On the same principle the Provost and Bailies might "truble the Lordis of Sessioun, men of law, writaris, and his Hienes haill domestique officiaris; bot they lett thame slip, and trublis the saidis compliners that ar puir servandis to his Majestie." Charge having been given to Archibald Stewart, provost, and Richart Abircrumby, Williame Adamsoun, Robert Ker, and Gilbert Dik, bailies of the said burgh, to appear and answer the complaint, and none of them having appeared, while the said James Purdy, one of the complainers, appears for himself and in name of the other complainer, the order is that the complainers have their claim recognised, and be not troubled for payment of the tax or any other impost in time coming.

Acta 1579–8

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Sederunt—Domini ut in die predicto.

Holyrood-house, 1st December.

Complaint of Virgil Kene, of Leith, concerning five burgesses of Edinburgh, who have brought an action against him, and concerning the Provost and Magistrates for entertaining the same.

Complaint by Virgell Kene, indweller in Leith, as follows:—James Broun, David Moreis, Thomas Nicoll, Johnne Loch, and Adame Henrysoun, burgesses of Edinburgh, and divers others by their persuasion, "hes maliciouslie intentit and persewit ane actioun aganis the said compliner befoir the provest and baillies of the burgh of Edinburgh, for refounding to thame of certane guidis alledgit tint in the schip callit the Jonas of Leith, quhenas scho perischit be storme of wether beside Grantoun, upoun the aucht day of October last bipast, and for pament to thame of gret sowmes of money for releif of the scaith and expenssis alledgit maid be thame in recovering of ane part of thair saidis guidis." The action is certainly a malicious one, "without ony maner of consideratioun of the work or providence of God, seing it lay not in mannis power to have preservit the said schip aganis sa suddane and viement ane storme, quhair as scho wes at anker;" and also without respect to the "gret losse and skaith sustenit be the said complinar thairthrow, having his schip and haill guidis being thairin pertening to him lossit without recoverie, beside the perischeing of his haill marineris and equippage." Farther, the conduct of the prosecutors is groundless, because "they sustenit nane or verray litill scaith, in sa far as they have recoverit thair haill guidis." Nevertheless, the Provost and Bailies are determined to proceed against the complainer, and will not fail to give decree against him, unless prevented. He urges that, even were the action just, yet, "being ane actioun

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Acta 1579–81. of schipwrak," it "appertenis properlie to the judgement and determinatioun of the Admirall and his deputis;" and his claim is that the Provost and Magistrates, not only as "judges altogidder suspect in this caus, being effectionat towart the inhabitantis of the said burgh of Edinburgh," but also as being incompetent, shall be discharged from proceeding.—The five prosecuting burgesses, with Williame Litill and Henrie Neisbett, two of the bailies of Edinburgh, having been summoned to appear and answer, and the complainer, Virgell Kene, now appearing personally, and David Moreis, one of the five, appearing, with Mr Johnne Crawmound, his prolocutor, who also appears as procurator for the other four burgesses, but neither of the two bailies appearing, the Lords, after deliberation,
Page 376. decide in the complainer's favour. Their order "remittis the said mater to the said Admirall and his deputis as judges onlie competent thairto," and discharges the Provost and Bailies from farther proceeding.

Complaint at the instance of the King's Advocates, against Mr James Martin, Provost of St Andrews College, and Mr Magnus Arthour, whom he has intruded into a professorship there.

Complaint at the instance of Mr David Borthuik of Lochhill and Robert Creychtoun of Eliok, the King's advocates, to this effect:—"In the lait reformatioun of the Universitie of Sanctandrois, ratifiit and apprevit be his Hienes with avise of his Estaittis in Parliament [1579, c. 62, iii. pp. 178–182], it is expreslie providit that, quhen it sal happin the principall, or ony of the foure ordinar professouris and regentis in ayther of the collegis of Sanct Leonardis and Sanct Salvatouris appointit for humanitie and philosophie, to inlake, or that the nowmer appointit sall not be full, the electioun of qualifiit personis thairunto sall pertene to the bischop of Sanctandrois, the conservatour of the privilegis of the Universitie, rector, deanis of facultie, and remanent maisteris of all the thre collegis, or the maist part of thame that salbe present the day appointit for the electioun; for quhilk purpois ane edict salbe sett up upoun ane monethis warning be the rector, or, in cais of his absence or negligence, be the deane of facultie, within sex dayis eftir the vacance of the rowme be deceis or utherwayis, that all leirnit men may convene furth of all partis of the realme, off quhome the worthiest, eftir dew examinatioun, to be preferrit." For putting this reform in execution commission had been given to Robert, Earl of Lennox, commendator of the priory of Sanctandrois, Andrew, Earl of Rothes, sheriff of Fyff, Patrik, Archbishop of Sanctandrois, Patrik, Lord Lyndsay of the Byiris, Robert, commendator of Dumfermling, secretary, and "archedene" of Sanctandrois, conservator of the privileges of the said University, Johnne Erskine of Dun, Mr Johnne Winrahame, prior of Portmook, and Mr James Halieburtoun, provost of Dunde, or to any three of them conjunctly. "Nevirtheles, Mr James Martyne, now provest of Sanctandrois college, laitlie, upoun the xix day of November last bipast, hes, in manifest prejudice of the said reformatioun, aganis the effect and ordour thairof, and contrair the ordour alsua of the auld fundatioun of the said college, partialie intrudit and placit Mr Magnus Arthour in the place of ane of the professouris and regentis in the said college, the remanent maisteris thairof expreslie disassenting

thairto, as perfitelie knawing the said maister Magnus to be nawayis apt and qualifiit for the said rowme, he not being brocht up nor nurischit within the said college, not of sa puir life and conversatioun as war meit in personis of his aige that sould instruct and governe utheris." Moreover, "the maisteris war not chaptourlie convenit, nor ony tryell or examinatioun had be thame of the said Mr Magnus doctrine and maneris," and the said Mr James had been "expreslie inhibit of befoir to proceid onywayis to the prejudice of the said reformatioun." It is, therefore, evident that he "intendis to impyir abone the reformatioun and auld fundatioun of the said college, usurping upoun himself singularlie the placeing and displaceing of the maisteris, professouris and regentis, in the said college."—He and Mr Magnus Arthour both now appearing personally, according to summons under pain of horning, "quha declairit that the said Mr Magnus wes placit in the said college be way of interim to repeit with the studentis quhill the intendit reformatioun sould tak executioun," and the two parties having been duly heard, the Council "ordanis the said reformatioun to be ressavit, obeyit, and fulfillit be the saidis Masters James and Magnus, and to do nor attempt na thing to the prejudice thairof in tyme cuming; and in the menetyme, quhill the same tak executioun, dischairgis the said Maister Magnus and utheris quhatsumevir of all using or exerceing of the saidis place and charge of regentrie within the said college, and of thair offices in that part." Acta 1579–8 Page 377

Caution for the Commendator of Jedburgh.

Caution in 20,000 merks, by Andro Ker of Fawdounside, for Andro, Commendator of Jedburgh, that he shall deliver Hume Castle to Dame Agnes Gray and Mr Thomas Lyoun of Baldukie, her husband, within six days [see *ante*, p. 240].

Caution for the Tutor of Sanquhar.

Caution in 500 merks by Johnne Gordoun of Lochinvar for Williame Creichtoun, tutor of Sanquhar, that he shall not impede or trouble Elizabeth and Margarett Stewart, daughters of the late James, Earl of Murray, in the uptaking of the maills of the lordship of Sanquhar belonging to them as donators, during the "time of the ward and nonentres of the said lordschip." Page 378.

Band of assurance by Gordon of Barskeoch and his son.

Registration of band by which Johnne Gordoun of Barskeoch, and Alexander Gordoun, his son and heir, as principals, with Thomas Kirkpatrik of Cloisburne, younger, and Williame M°Clellane of Gelstoun, as their cautioners, oblige themselves not to trouble or molest Thomas Kennedy, tutor of Cassillis, Thomas Kennedy of Bargany, Uthrid M°Dowell of Garthland, and Gilbert Kennedy of Girvenmanis, their kin or men, till 1st May next, under penalty of 5000 merks. The obligation thus entered is subscribed, 22nd October 1579, before Williame Craufurd of Kilburny, Johnne Kirkpatrik of Frecars, Alexander Vaik, and Williame Dallap, as witnesses. Page 379.

Acta 1579-81. Registration of another band in 5000 merks, to endure to May 1, by Johnne Gordoun of Barskeoch, as principal, and Sir Johnne Gordoun of Lochinvar, and Alexander Gordoun, younger, of Barskeoch, as cautioners, granted to the said Thomas Kennedy, tutor of Cassillis, and the other Page 380. three persons associated with him in last band. This band is subscribed at the Kennour, 7th November, before Alexander Campbell of Aris, Andro Agnew, shereff of Galloway, younger, Thomas M°Cracen of Berse[?]. Another band by Gordon of Barskeoch, &c.

Caution in 10,000 merks, by Gothray M°Culloch of Ardwell, Adam Murray of Brochtoun, Williame M°Clellane of Gelstoun, and Johnne M°Culloch of Torrous, that Johnne Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, and Alexander Gordoun, his son, shall not "invaid" or harass Thomas Kennedy, Master of Cassillis, Thomas Kennedy of Bargany, and Uthrid M°Dowell of Garthland, "other for auld feid or new," for the next eight days. Holyrood-house, 2nd December. Caution for Gordon of Lochinvar and others.

Johnne Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, and Alexander Gordoun, his son, having been licensed to repair to the tolbooth of Edinburgh, "to certane particular dyettis befoir the justice or his deputis, accumpanyit with xx personis onlie of thair honest and discreit friendis, to persew and defend as accordis," caution in 10,000 merks is given by Johnne, Lord Hereys, that they shall not "move, trubill, or gif occasioun of trubill and displesour, in word, deid, or countenance, to ony persoun" meanwhile. Holyrood-house, 3rd December. Caution for Gordon of Lochinvar, Gordon of Barskeoch, and his son.

Page 381. Caution in 20,000 merks by George Gordoun of Geicht, Alexander Lyndesay of Vane, James Leirmonth of Dersy, James Leirmonth, apparent of Balcomy, Michael Balfour of Monquhany, and David Forrett of that Ilk, for the good conduct of David, Earl of Craufurd, who is licensed to go abroad for three years. Holyrood-house, 7th December. Caution for the Earl of Craufurd.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Alexander, Commendatarius de Culros; Magister Jacobus Halieburtoun, prepositus de Dunde. Holyrood-house, 11th December.

Cautioun in £2000 by Johnne, Lord Maxwall, for Robert Maxwall of Cowhill, that, being released from ward in Invernes Castle, he shall immediately enter in ward in Edinburgh. Caution for Maxwell of Cowhill.

Johnne, Lord Maxwall, "being detenit in ward a gude space now bigane, is licencit and permittit be our Soverane Lord to pas hame, for the bettir performing of sic directionis as his Hienes, with avise of the Lordis of Secreit Counsale, hes gevin the said Lord, tending to the furthsetting of his Majesteis obeydience and service." Therefore he, and Thomas M°Clellene of Bomby and Johnne Maxwall of Netherpollok, as his cautioners, become Page 382. bound for the good conduct of him and his men; and he promises to Caution for Lord Maxwell.

assist the warden and to enter again in Blaknes by 8th February next. Acta 1579-81

Band of assurance between MacDougall of Garthland and the Gordons.

Registration of band in 10,000 merks by Uthreid M°Dowell of Garthland, and Hew Kennedy of Barquhany and Gilbert Kennedy of Gervenmanis, as his sureties, that he shall not "invaid, molest, trubill, or persew" John Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, and Alexander Gordoun, his son, or their men, "unto the first day of Maii next." The band is subscribed at Edinburgh, December 11, in presence of Uthreid M°Dowell of Bariarg, Johnne Andro, writer, and David Moysie.

Holyrood-house, 12th December.

Assurance to the Gordons of Lochinvar and Barskeoch.

Registration of band by Thomas Kennedy of Bargany, as principal, and of Ardmillane and Hew Kennedy of Barquhany, as cautioners, assuring Johnne Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, and Alexander Gordoun, his son, till 1st May next, under a penalty of £10,000. Page 383.

Holyrood-house, 14th December.

Caution for Graham of Rampatrik.

Cautioun in 1000 merks by Edward Maxwall of Tinwald, for George Grahame of Rampatrik, that he shall present his two sons, Cristopher and George, before the Council, upon 8th January next.

Holyrood-house, 15th December.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Robertus, Dominus Boyd; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Prepositus de Dunde; Clericus Registri. Page 384.

Patrick M°Crerick and William and James Crichton.

Resumed action at the instance of Patrik M°Crerik, burgess of Wigtoun, against Williame Creychtoun, tutor of Sanquhar, and James Creychtoun of Carco, one of his cautioners, "tuicheing the contraventioun of ane act maid anent the possessing of the said Patrik [of] certane landis liand on the north and south side of the burgh of Sanquhar" [*ante*, p. 212]. Both parties appearing, the defenders with Mr Edmond Hay, their prolocutor, the Lords admit the matter to M°Crerik's probation, assigning to him for that purpose 12th January next.

Holyrood-house, 17th December.

Sederunt—Domini ut in die predicto.

Laurence Fergusson and others, skippers and mariners of Leith, against the Provost and Magistrates of Edinburgh.

Complaint by Laurence Fergussoun, indweller in Leith, on the north side thereof, within the regality of Halierudhous, and of the remaining skippers and mariners there, against the town of Edinburgh, as follows:—They and their predecessors, "maisteris, skipperis, and marineris of schippis and crearis," after their navigation and home-coming to the haven and port of Leith, "with the laidningis of thair saidis schippis or crearis, as it sould happin, ayther frome the partis of France for hame-bringing Page 385.

Acta 1579–81. of wynis, or utherwayis fra his Hienes ylis and watteris fra the fischeing of salmound or hering," have been "in use and consuetude, past memorie of man, of portage as ane part of thair fie and hyir for the said navigatioun, and, at the loissing of the saidis schippis or crearis, hes bene in use and consuetude to carie and transport thair said portage, as it sould happin, to thair awin duelling houssis and sellaris on the said north side, without stop, truble, or impediment, they payand thairfoir thair custumes and dewiteis as effeirit." Lately, however, "the said Laurence Fergussoun, maister and skippar of ane schip callit the Nicolas, eftir hir arriving within the said heavin of Leith with hir laidning of wyne from Burdeaux, and loissing of the samin upoun the schoir of Leith to the merchantis as use is, he havand as skippar foirsaid his said portage of wyne, transportit the samin, upoun the ferd day of December instant, to his awin sellar on the said north side of Leith, quhair he duellis;" whereupon "the provest, baillies, and counsale of Edinburgh, upoun thair usurpit and pretendit maner, havand consavit hettrent and malice aganis the said Laurence causles, he beand passand upoun the Hie Streit of the burgh of Edinburgh, in doing of his lefull besines as ane of our Soverane Lordis frie legis, belevand na ewill nor injurie, hes causit put him in thair ward, detenand him thairin for quhat occasioun he knawis not, and will not put him to libertie upoun cautioun, albeit he hes offerrit the same, quhilk they have refusit, without he transport agane his said portage wyne to the said south schoir of Leith, and sellar the samin thair to thair plesour, and sua be compulsioun and force to put him to gret and exhorbitant expenssis of sellar maill." In answer to a charge to set Fergussoun at liberty, or else to show cause to the contrary, given to Alexander Clerk, provost, and Williame Litill and Johnne Adam-

Page 336. soun, bailies of Edinburgh, the said Provost and Bailie Adamesoun, and Henrie Neisbett, another of the bailies, had appeared before the Council on the 15th instant, with Mr Johnne Scharp as their prolocutor, and had "presentit and exhibitit" the said Fergussoun; while at the same time Adame, Bishop of Orknay, Commendator of the Abbay of Halieruidhous, "within quhais regalitie the said Laurence duellis," had appeared also personally for his own interest and in defence of his said tenant, "excusand that na procuratour wald concur and assist with the said Laurence in the persute and defence of his caus, be ressoun, as he alledgit, the maist part of the saidis procuratouris war assessouris to the saidis provest and baillies of Edinburgh." The case had been then adjourned, and is now resumed, Fergussoun and the Bishop of Orknay again appearing personally, with Edmond Hay and Thomas Craig as prolocutors for them, and procurators for the rest of the masters, skippers, and mariners on the north side of Leith, while the Provost and two Bailies also again present themselves, with Mr Scharp as their prolocutor as before. This last "alledgit that the saidis provest and baillies did na wrang in warding of the said Laurence persoun, becaus it is planelie statute be Actis of Parliament that thair sould be na losse and laidning bot at ane frie port [Acts of Parl.,

1567, c. 57, iii. p. 42], and als that na bouke sould be brokin of ony wynis inbrocht within this realme quhill the price war first maid thairof be the provest, baillies, and counsale of the burrowis nixt adjacent to the frie portis quhair the saidis wynis arrives, and that our Soverane Lord wer first servit" [Acts of Parl., 1540, c. 18, ii. p. 373; 1555, c. 35, ii. p. 499]. It was pleaded that Fergussoun had transgressed these Acts of Parliament; and there were produced besides, as relevant to the case, "twa Actis extractit furth of the Court of Edinburgh, subscrivit with thair clerk." In one of these, dated 4th instant, it was stated that Fergussoun, in presence of the provost and bailies,—"being accusit for the loissing of thre tunnis of wyne on the uther side of the brig of Leith, contrair the tennour of the proclamatioun maid at the entrie of his schip, quhairas expres command wes gevin that na wynis laitlie arrivit at that port and heavin sould be houssit bot on this side of the brig, and the haill portage wynis put in ane sellar thair be itself, as alsua that none of the saidis wynis sould be disponit upoun or transportit unto the tyme our Soverane Lordis symmoleiris wer first staikit of the best thairof upoun the prices maid be thame, conforme to the Actis of Parliament maid thairanent, under the pane of confiscatioun thairof,"—had confessed his fault, promised "that with all possibill diligence he sould caus bring owir the samin to this side of the brig," and found Lucas Wilsoun, Dean of Guild, surety for the performance of his promise. By the other act, dated 9th instant, it appeared that the Provost and Bailies, when Fergussoun had not fulfilled his engagement, "bot hed contemptuouslie dissobeyit thair command," had called on his said surety Lucas Wilsoun "to entir his persoun in ward within the tolbuith of this burgh," there to remane at his own expenses till the engagement should be fulfilled. In virtue of this second act, Wilsoun, for his own relief, and as obliged by the first act, had caused Fergussoun to be apprehended and lodged in the tolbooth; and Mr Johnne Scharp, as counsel for the Provost and Magistrates, now insists that he "aucht not to be put to libertie quhill the samin Actis be satisfiit and have full executioun." To this it is replied by Mr Edmond Hay, for the other side, "that the confessioun and oblissing maid be the said Laurence aucht not to prejudge the Lord of the Regalitie, nor the remanent inhabitantis of the said northside, bot that they sould continew in thair possessioun in transporting of thair wynis in tyme cuming to the said northside at thair plesour." Parties having thus been fully heard, the decision is as follows:—"The Lordis of Secreit Counsale findis thame selffis judges competent onlie to that part of the said complaint tuicheing the retentioun of the said Laurence and putting of him to libertie as a frie persoun; and thairfoir remittis the remanent pointis of the said complaint to be decidit befoir the judges competent thairto as accordis; and, attour, in respect of the saidis twa actis of the said burgh, findis and declairis that the said Laurence sould not be put to libertie quhill the samin actis be satisfiit and tak full executioun as effeiris."

Acta 1579–8

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Acta 1579–81. Page 388. Caution in £2000, by Mr Thomas Lyoun of Baldukie, as principal, and Robert Logane of Restalrig, James Scrymgeour of Glaswell, Johnne Lyoun of Cossynnis, and James Lyoun of Eistir Ogill, as sureties for him, that he shall not "mak trubill" to Dame Elizabeth Abirnethie, relict of Johnne, Lord Glammis, or to the daughters of the said Lord, Jeane and Sybilla Lyon, "in the bruiking and possessing of their landis." Johnne Andro subscribes the act of caution for Lyoun of Eistir Ogill, "becaus I can not write." Caution for Mr Thomas Lyon of Baldukie.

Page 389. Alexander Guthre of that Ilk, having failed to find sufficient caution not to molest or trouble Mr David Gardin of that Ilk and Mr Gilbert Gardin of Boith [*ante*, pp. 92, 118], had been commanded to remain in Striviling till he did find such caution. He had, nevertheless, departed from the said burgh without finding the caution, and "in the menetyme takis avantage be persute of the said Mr David and his freindis" upon the alleged contravention of the act of caution found by the said Mr David, dated 27th January 1578, "disappointand him of the like persute be the said Alexanderis non-finding of souirtie."—Parties having been called, and Gardin appearing personally, with Mr Henrie Balfour as his prolocutor, and Guthrie being represented by Mr Johnne Russell as his procurator, the Lords ordain the defender, under pain of horning, again to appear before them upon the 10th of February next, and meanwhile to oblige himself, "and ane or tua responsall souirteis," in the books of the Council, "to be answerabill fra the 15th day of March last to the said tent day of Februar nixt, and siclyke thaireftir, according to the forme Page 390. and band of obligatioun had of the said Mr David," *i.e.*, that Alexander Guthrie or his men shall not molest the said Mr David or his men, under pain of £1000. Garden of that Ilk to be harmless of Guthrie of that Ilk.

Representation by Archibald Balfour of Westra, as follows:—He had been commanded in June last "to deliver to his Hienes ane letter of reversioun maid be the provest, baillies, counsale, and communitie of the burgh of Edinburgh to his Hienes dearest moder beirand authoritie for the tyme, and hir successouris." The said letter being "then in this cuntrie" he could not deliver the same "quhill his arriving to thir partis quhair the samin wes." Lately, having arrived there, he had directed his servant to the town of Dysart for the purpose of bringing the reversion to Edinburgh for delivery to the King. "And in the menetyme sum persoun or personis quha understuid the said Archibaldis intentioun, ayther of malice, meaning to impediat the samin, or utherwayis be sic indirect meanis tending to report thankis be making of sum wrang report, perswadit Alexander Young, servand to his Hienes, till obviat the said Archibaldis servand," and take from him the said letter. Young confesses to have received it from Balfour's servant, and acknowledges having delivered it to the King himself. In these circumstances the Lords discharge Young and Balfoure "of the samin for now and evir," as prayed for. Discharge to Archibald Balfour in the matter of a document he had been ordered to deliver to the King.

Holyrood-house, 18th December. Act of Caution.

Caution in £200 by Gawen Carmichaell of Wrychtisland, that Michaell Law, servant of George Balfour, prior of Charterhous, shall appear before the Council or the Justice upon 15 days' warning. Acta 1579–81

Holyrood-house, 19th December.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Robertus, Dominus Boyd; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Jacobus, Commendatarius de Sanctcolme; Alexander Hay, Clericus Registri; Magister Robertus Creychtoun, advocatus; Magister Jacobus Halieburtoun, prepositus de Dundie. Page 391.

The Commendator of Jedburgh, Mr Thomas Lyon, and Hume Castle.

Supplication of Andro, Commendator of Jedburgh, as follows:—"For obtempering and obeying" the act of caution, dated 1st December last, obliging him to deliver Hume Castle to Dame Agnes Gray and Mr Thomas Lyoun, her spouse [see *ante*, p. 244], he caused Thomas Trottar, his procurator, to offer delivery of the said house to them "dalie eftir the said first day of December to the nynt day of the same," and with that view "to await on dalie during the said space fra the sone rysing to the doun passing of the same." Notwithstanding, they will not come to receive the said house; and he humbly desires therefore "that the said act may be deleit furth of the buikis of Secreit Counsale, quhairthrow the samin mycht have na forther strenth, force, effect, nor executioun aganis the said Commendatar, or his cautionar contenit thairin, in tyme cuming." Parties having been duly summoned, both appear, the Commendator with Mr Johnne Russill, his prolocutor; and Mr Thomas Lyoun declares that the said Castle was delivered to him and his spouse, to be kept in the King's name, and delivered again on demand, under the penalty of 20,000 merks, "and, notwithstanding, he, being relevit and dischargit of the said pane, wes content and consentit that the said hous sould be still retenit be the said Alexander, Lord Hume, and the said Commendatar, his tutour, in his name." The Lords, "in respect of the said declaratioun," accordingly "dischargis the said Mr Thomas Lyoun thairof, and of all pane and danger that he may incur for delivery of the same for evir." They also ordain the foresaid act "to be deleit furth of the saidis buikis of Secreit Counsale." Page 392.

Lady Bass decerned to accept the Laird of Swinton's ward and marriage.

Notwithstanding the decree in favour of Williame, Lord Ruthven, treasurer, in the action pursued against him by the executors of the late Robert Lauder of Bas [*ante*, p. 223], "the said thesaurar is nathing relevit nor in better cais then afoir, in respect the said Elizabeth will not rest utherwayis satisfiit then the pament of reddy silvir to hir, quhilk he is not abill presentlie to furneis." He was ready, he says, long ago to pay to her "sic a casualitie as is wele worth the said sowme of tua thowsand pundis, that is the ward and mariage of the Lard of Swintoun, quhilk scho wilfullie hes refusit, and sua refuissis to accept, mynding to bring the said Page 393.

cta 1579–81. thesaurar in a gret inconvenient to be put to the horne, quhilk is nother honorabill for his Hienes nor cumlie for him, being his Majesteis officiar, and quhairin his Hienes is hardlie and straitlie delt withall," the debt not having been contracted during the King's reign or while the Treasurer held office.—The defender having been cited to hear herself decerned to accept the said ward and marriage, and the treasurer appearing personally,
Page 394. and she by Mr Johnne Prestoun, her procurator, the decree of the Lords is that she accept the Laird of Swintoun's ward and marriage in satisfaction of the said £2000; and they suspend all farther "proces and executioun of letters, other of horning or poinding, at the instance of the said Johnne Stewart of Troquhair aganis the said Thesaurar, or aganis the said Johnne at the instance of the said David, or aganis the said David at the instance of the saidis executouris, simpliciter in tyme cuming."

Prestoun dissented, and protested that the defender's letters "mycht tak forther executioun."

Lady Borthwick's discharge to her husband, Lord Borthwick.

Williame Hart, procurator for Lady Borthuik, presents, for registration in the Books of Council, her acquittance to her husband for the sum of ten score and four pounds Scots, received by her "in full and compleit pament of the sowme of threttie schillingis dalie," which had been allowed her for her sustenance during her action for divorce [*ante*, p. 108]. The discharge, which is for "all maner of tyme and dayis bigane preceiding the
Page 395. day and dait heirof inclusive," is subscribed by her at Edinburgh, 18th December 1579, and witnessed by Mr Williame Hart, Mr Williame Harvie, Mr Williame Kellie, James Forman, burgess of Edinburgh, Andro Borthuik, bailie of the Cannogait, and Cuthbert Borthuik.

Complaint by Ker of Cesfurd against a decision charging him with the expenses of a Border prosecution.

Complaint by Williame Ker of Cesfurd, younger, Warden of the Middle March:—He had been found liable, upon 30th September 1577, for the expenses incurred by Dand Davidsoun in Lempetlaw, Johnne Davidsoun in Dennerles, Robert Davidsoun of Fawlais, and Walter Middilmest in Scharprig, filed by him in a bill for stealing and resetting certain goods, of which they were acquitted [*see* vol. ii. pp. 639, 640, 651, 669]. He now appeals against the decree, which, he contends, should be declared null, as it was obtained "upoun the wrang report of the saidis personis," and as "the filing of his Hienes Warden upoun his honour in gude ressoun aucht to be preferrit to the report of privat personis that may not abide the law for thift." Moreover, "in this cais the said Warden hes a warrand for his filing of the saidis personis in the said bill; quhilk is Dand Tait of the Dowknow, Scottisman, quha, gif the saidis personis hed bene innocent, as they wer not, aucht to have relevit thame, and not the said Warden, his Hienes officiar, that proceidit in this cais ordourlie, and
Page 396. upoun gude faith."—Parties having been called, the Warden appears by Mr Johnne Russill, his procurator, "quha fand Andro Ker of Fawdounside caution to hald ferme and stable the persute and judgement of this

caus," and the defenders are present, with Mr Thomas Westoun, their prolocutor, who produced a decree already given against the said Dand Tait for the relief of the Warden. On consideration, the Lords assoilzie the defenders "sa fer as concernis the said Williame Keris persuit of thame allanerlie, without prejudice alwayis to the said Dand Tait of Dowknow to persew the saidis personis for his releif of the said bill, with coistis, scaithis and dampnage as effeiris." Acta 1579 8

In the same business: Dand Tait of the Dowknow.

In the same action, the said Dand Tait "grantit that he wes the avowar of the saidis personis foule of the said bill to the said Warden, quhairupoun proceidit thair filing," offering to prove them to be foul of the same "be ane sufficient acquittance, conforme to the lawis of the Bordouris;" whereupon the Lords assign 20th January next to him, to produce "sic personis as he will use in the said acquittance for verifeing of the premisses," and ordain the persons summoned to appear before the Lords to "beir leill and suithfast witnessing, in sa far as they knaw or salbe speirit at thame, in the said mater." Page 397.

Holyrood-house, 24th December.

Sederunt—Domini ut in die predicto.

Money to be borrowed for paying the arrears due to the Keeper of Liddesdale.

"The quhilk day it wes exponit and declairit be Johnne Carmichaell, younger, of that Ilk, that, albeit he wantit na guid will to continew in his office and charge of Keipar of Liddisdaill, yit wes he not abill to beir out the greit chairgis and expenssis requisit for intertenying of his ordnar tryne, as wes necessar for the better executioun of his office, without his pensioun restand awand to him be the space of twa yeiris bigane, extending to ane thowsand pundis, wer first payit. Quhilkis being considderit be the Kingis Majestie and Lordis of Secreit Counsale, and they havand respect to the danger that may follow be the absence of a Keipar furth of the saidis boundis, to mak the inhabitantis of the samin answerabill for releif of King and Warden, hes preissit and urgit thairfoir Johnne Achesoun, master cunyeour to his Majestie, and Hew Tod, servitour to his Hienes thesaurar, to gif thair obligatioun for payment to the said Johnne Carmichaell of the said sowme betuix and the tent day of Februar nixt; for quhais releif the Kingis Majestie, with avise of the saidis Lordis, hes ordanit and ordanis thame to be payit of the first and reddiest of his Majesteis casualiteis presentlie vaikand, and that sal happin to vaik, in his Hienes handis, ayther be the proffeitt of his cunyie or utherwayis, ay and quhill they be compleitlie payit of the said sowme; and, attour, ordanis the said Thesaurar present, and that sal happin to be for the tyme, to tak allowance of the said sowme upoun him, and to se thame relevit and payit thairof as said is, conforme to the preceptis alreddy direct to the same effect."

Holyrood-house, 25th December.

Caution for Johnston.

Caution in 1000 merks by Robert Dowglas of Cosshogill for Johnne Johnnestoun of that Ilk, that Michaell Carlile, son of the late Michaell, Lord Carlile, shall be harmless of him. Page 398.

Acta 1579–81. "The quhilk day, in presence of Robert, Commendatar of Dunfermling, Secretar to our Soverane Lord, Andro, Lord Stewart of Uchiltrie, Mark, Commendatar of Newbottill, and Alexander Hay, Clerk of Register, compeirit personalie Laurence Barclay, servand to Robert, Erll of Lennox, and oppanit the kist quhairin wer the writtis and evidentis concerning the erldome of Lennox; quhilkis writtis and evidentis being sene, considderit and conferrit with the inventar, thair wes na reversioun fund amangis thame, except ane of the landis of Kipe. Quhilkis haill writtis and evidentis war agane closit and lokit within the said kist be the said Laurence, and the key thairof ressavit agane be him; quha confessit and declairit that the said kist, afoir and eftir the oppaning thairof, wes in the same stait that it wes in quhen it wes deliverit to Esme, Lord Obinyie; upoun quhais confession, declaratioun, and ressaitt agane of the key of the said kist in maner foirsaid, the said Lord Obinyie askit act and instrument."

Holyrood-house, 26th December. Opening of the chest containing the writings and evidents of the Earldom of Lennox.

Complaint of Jeane Flemyng, only lawful daughter and heiress of the late James, Lord Flemyng, as follows:—"Hir said umquhile fader, afoir his depairting to France in the service of the Quene, his Hienes dearest moder, providit his haill landis and heretage to umquhile Johnne, sumtyme Lord Flemyng, his broder, upoun promeis to have payit to the said Jeane the sowme of foure thowsand merkis money to hir mariage; and, albeit hir said fader deceissit the tyme foirsaid, in his Hienes said dearest moderis service in the commoun caus, and for na uther cryme, nottheles the said umquhile Johnne, sumtyme Lord Flemyng, maid the said Jeane na payment of the foirsaid sowme of foure thowsand merkis in his liftyme, and he nor na utheris, intromettouris with his leaving, gave hir nevir ane penny to support hir with in tyme bigane."—To answer this complaint, there had been summoned Johnne, the present Lord Fleming, son of the deceased lord, with his sisters, Margaret, Elizabeth, Jeane, and Marie, and
Page 399. also Johnne, Earl of Montrois, as administrator for the family; and now, Lord Fleming appearing personally, and also the Earl of Montrois for himself and the rest, "the Kingis Majestie, with avise of the Lordis of Secreit Counsale, and consent of the said Johnne, Erll of Montrois, ordanis the fruittis, rentis, maillis, fermes, and dewiteis of the said lordschip of Flemyng, disponit be his Hienes of befoir to the said sone and dochteris of the said umquhile Johnne, sumtyme Lord Flemyng, to be dividit and disponit equalie amangis thame and the said Jeane Flemyng; and that the chalmarlanis, factouris, and intromettouris thairwith, answer, obey, and mak pament to hir and hir servitouris in hir name of sa mekle as will extend to hir part thairof *pro rata*, at tua termes in the yeir, Witsounday and Martimes in wintir, be equale portionis, siclyke as gif scho war specialie nominat in the gift or letter of chalmerlanrie or factorie maid of

Stirling Castle, 4th August. Complaint of Jean Fleming, daughter and heiress of the late James, Lord Fleming.[1]

[1] This entry is out of its proper place in the Record, occurring between December 26, 1579, and January 5, 1579–80.

the said leaving to the said sone and dochteris of the said umquhile Johnne be his Hienes of befoir, begynnand the first termes payment at the feist of Witsounday last bipast, in this instant yeir of God j^{m}v^{c}lxxix yeiris, and sua forth yeirlie and termelie in tyme cuming, ay and quhill his Majestie tak forther ordour with the saidis landis and lordschip of Flemyng as appertenis; and that letters be direct heirupoun, gif neid be, in forme as effeiris." Acta 1579–8

Holyrood-house, 5th January.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Hugo, Comes de Eglintoun; Patricius, Dominus Lyndesay; Andreas, Dominus Uchiltrie; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri.

Peter Reid against Johnston of that Ilk.

Complaint by Petir Reid in Glencarne, as follows:—He had obtained a "decreit, with ane precept of poinding thairupoun, in the stewart court of Annanderdaill, aganis Johnne Johnnestoun in Rowintreknow, decerning him to pay to the said Petir the sowme of nyne scoir tuelf pundis, as for the prices of xviii heid of nolt stollin fra him out of Craufuirdis toun." He has yet failed, however, to obtain execution of the decree. First, he had been "frustrat and postponit of justice at the last justice court haldin be Archibald, Erll of Angus, our Soverane Lordis lieutennent and justice for the tyme, upoun wrang alledgeance." Then, "the said Petir meaning him to Williame, Lord Ruthven, his Hienes lieutenant and justice upoun the West Bordouris for the tyme," the amount owing to him "wes referrit be Johnne Johnnestoun of that Ilk to the said Petiris aith; quhair he deponit his aith that he hed ressavit onlie xxxi merkis in part of payment of the haill sowme abonewrittin; in respect quhairof the said lieutennent ordanit and commandit Johnne, Lord Maxwall, Warden and Justice within the boundis of the West Marche, and as steuart of Annanderdaill, to put the said decreit to executioun upoun the sowme contenit thairin, except sa meikle as is alreddy payit, as he wald answer to God and our Soverane Lord thairupoun." Nevertheless Lord Maxwall, during the time of his wardenry, would never put the decree to execution; "and, albeit the said Johnne Johnstoun of that Ilk, in presence of the said Williame, Lord Ruthven, lieutennent foirsaid, promeist faithfullie to mak the said Petir payment of the remanent of the said sowme within a schort space thaireftir, yitt, it being a yeir bigane sensyne, the said Johnne will nawayis mak the said Petir pament of the same, bot continewalie postponis and deferris to do the same."—Charge had been duly given to Johnnestoun to pay the debt within ten days, or else to appear before the Council and show cause to the contrary; and now, "the said Petir Reid, persewar, compeirand be Alexander Fergussoun, his procuratour, and the said Johnne Johnnestoun of that Ilk being oftymes callit and not compeirand," the decision is that letters issue to "charge the said Johnne Johnnestoun of that Ilk, yit as of befoir, to mak payment to the said Petir Reid of the Page 400.

cta 1579-81. said sowme of nyne scoir tuelf pundis (except befoir exceptit) auchtand to him as said is, according to his said promeis, within ten dayis nixt eftir the charge, under the pane of rebellioun and putting of him to the horne, and, gif he failyeit thairin, the saidis ten dayis being bipast, to denunce, etc., and to escheitt, etc."

Sederunt—Domini ut in die predicto.

Holyrood-house, 6th January.

Proceedings against a Captain Clerk, who has been committing piracies upon the King of Denmark's subjects.

"Forsameikle as it hes bene menit to the Kingis Majestie and Lordis of Secreit Counsale, on the behalf of his dearest broder and cousin, the King of Denmark, that ane namit Capitane Clerk, professing himself a Scottisman, accumpanyit with divers pyrattis and utheris brokin men, hes attemptit gret piraceis, spoylis, and rubbereis, baith be sey and land, upoun sindrie the said King of Denmarkis subjectis, at divers and sindrie tymes, lyke as he hes profest and avowit the continewance of his ewill mynd and persute aganis all personis of the same natioun to his uttermest pouer; quhilk Capitane, with his saidis complices, schip, and guidis, is reportit to be ressett, and to have refuge for the maist part, in the cuntrie of Zeitland, quhair sindrie personis byis, sellis, and traffiques with thame, encourageand thame thairthrow in thair piraticall and weikit deidis, to the gret contempt of our Soverane Lord, evill exampill to utheris godles personis to do the like, and to the endangering of the gude peace, freindschip, and nychbourheid, quhilk sa lang hes continewit betuix the tua realmes, gif tymous remeid be not providit: Quhairfoir his Majestie, with avise of the saidis Lordis, hes gevin and grantit, and be thir presentis gevis and grantis, full pouer and commissioun to his traist cousing, Robert, Lord Steuart, fewar of Orknay and Zeitland, to serche, seik, tak, and apprehend the saidis pirattis, and to bring and present thame to justice to be puneist for thair demeritis, conforme to the lawis of this realme; for the bettir executioun quhairof, ordanis letters to be direct to mak publicatioun heirof, be oppin proclamatioun, at the mercat croces of Kirkwall in Orknay and utheris places neidfull, and als to command and charge all and sindrie his Hienes liegis duelland within the boundis of Orknay and Zeitland, and all partis and portis of this realme quhair the saidis pirattis, or ony of thame, is or sal happin to repair in tyme cuming, be oppin proclamatioun at the mercat croces of the heid bur-
Page 401. rowis of the samin, that they, and ilkane of thame concur, persew, and assist the said Lord Robert, and sic utheris as his Hienes hes gevin commissioun, for sercheing, seiking, and apprehending of the saidis pyrattis, and bringing and presenting of thame to justice as said is, to the effect abonewrittin, under the pane to be repute and estemit as art and part with thame in thair pyraticall and weikit deidis; certifeing thame that failyeis, or that ressettis, supportis, byis, sellis, or hes traffique or intelligence with the saidis pyrattis, under quhatsumevir cullour or pretens, that they salbe callit, persewit, and puneist thairfoir, as the pyrattis themselffis, with all rigour and extremitie, in exampill of utheris."

Holyrood-house, 13th January.

Sederunt—Domini ut in die predicto. Acta 1579-8

Inventory of documents concerning the Earldom of Lennox, delivered by Lady Lennox to Lord Aubigny.

"The Inventar of the writtis and evidentis ressavit be my Lord Obigny fra my Lady Levinax at Halieruidhous, the xiii day of Januar 1579, in presence of my Lord Ochiltrie, my Lord of Newbottill, Mr Robert Creychtoun, and Mr David M^cGill.

The reversioun of Craigcroftane, with a contract maid betuix my Lord of Lennox and the Lard of Lundy for redemptioun thairof.

Memorandum of Williame Striviling of Ardoch.

Reversioun maid be Patrik Houstoun of that Ilk, of the landis of Inchchynnane.

Reversioun of Johnne, Lord Cathcart, of the landis of Dynnald.

Missive bill of Houstoun and New Work.

Reversioun of Robert Creychtoun of Kynnoule, of the landis of Meikle Kip.

Lord Lylis reversioun upoun the toun of Inchechynnane.

Robert Lekprevikis reversioun of the landis of Rennisheid.

Ane instrument of seising of Grenesyde and Grenesidehill cancellat.

Reversioun of Dampschot and Grenesydehauch maid be Allane Stewart.

Reversioun maid be Patrik Houstoun of that Ilk, of the haill barony and landis of Cruikistoun, Darnye, and Inchchynnane, with the renunceatioun of the said reversioun maid be the said lard, sewit togidder.

Missive frome auld Erll Matho to his broder.

Reversioun of Neilstounside.

Annabill Campbellis reversioun of the Mylne of Torboltoun.

Reversioun of Andro Lyndesay of Ovir Dernlay.

Reversioun of Glanderstoun.

Reversioun of Lymbank.

Memorandum of the pecis ressavit of the actioun of Bute.

Ane reversioun of Johnne Walkinschaw of the land of Commounside.

The reversioun of Blairinvadie.

The Lard of Foulwodis reversioun of Commounside.

Reversioun of Fullocarrich.

Obligatioun of Williame Hammiltoun of Bathcat.

Thomas Craufuirdis reversioun.

Certane writtis pertening to the Lord Sanchar.

Matho Wallace of Craigeis reversioun upoun the landis of Lymbank.

Matho Turnbullis reversioun of Newmanis.

Indenture betuix Allane Steuart and Allane Glasfurd.

The Lard of Lussis reversioun of Deviling cancellat.

The Lard of Dunrodis reversioun.

Reversioun of James Steuart of Tuedy, of the landis of Langkite.

Reversioun of the landis of Cowmoir and Newmanis be Matho Campbell.

Reversioun of Lymbankis of ane annuelrent of meill.

cta 1579–81. Ane obligatioun of resignatioun of the propirtie of the five pundland of Wardhill.

James Hammiltonis reversioun of the landis of Lymbank.

Page 402. Procuratorie of resignatioun of Howsyll.

Ane contract and appointment maid betuix my Lord of Lennox and the Lard of Gastoun.

My Lord Hammiltonis indentour of mariage.

The appointment maid betuix my Lord and Allane Stewart.

Reversioun of the landis of Drumley, Ragahill, manis of Torboltoun, maid be Robert Creychtoun of Sanquhar.

The copy of ane obligatioun maid be Williame Wallace, that he sall gif ane reversioun of the landis of Drumley.

Instrument concerning redemptioun of the landis of Bathcat.

Adame Cunninghame of Caprintonis reversioun of the sevin merkland of Torboltoun.

Rentall of the barony of Torboltoun.

The divisioun of the commountie of Torboltoun.

Ane indentour anent the divisioun of Torboltoun.

Reversioun of Altounburne, selit.

Reversioun of my Lord of Montgomerie, of the landis of Torboltoun and Gastoun.

Adame Cunninghame of Caprintonis reversioun of the sevin merkland of the manis of Torboltoun.

Caprintonis reversioun of the landis of the commoun of Torboltoun, callit Mosbek and Medop.

Contract betuix my Lord of Lennox and the Erll of Eglintoun.

The copy of the instrument of seising of Torboltoun.

Memorandum.

My Lord of Athoillis gift of nonentrie of the erldome of Lennox.

Ane procuratorie to intimat the Erll of Athoillis gift of nonentrie of the erldome of Lennox.

Ane reversioun of Garlocheid maid be my Lord of Ergile.

Reversioun maid be the Lard of Lus of Letterwald.

Ane reversioun maid be Patrik Naper of Inchynnane and Quhithill.

Ane obligatioun maid be the Lard of Lus, for delivery of a reversioun of the landis of Auchingarrich.

Ane charter of confirmatioun of Kip, Overlinbank, and utheris, gevin be the Erll of Dowglas and confermit be the King.

Ane precept of seising of the erldome of Lennox and sherefdome of Dumbartane eftir the recognitioun.

Ane seising of the landis of Garrochin.

Ane seising of the landis of Evindaill gevin to Johnne, Erll of Lennox.

Ane procuratorie maid be Matho, Erll of Lennox, to the Lard of Manis, to warne the Lard of Lus to ressave his money.

Ane memoriall of thame quha ressavit infeftmentis of the Erll of Ergile during the forfaltour.

Seising of Johnne, Erll of Lennox, of the landis of Evindaill. Acta 1579–8

Ane seising of the fredome of Dumbartane.

The Erll of Dowglas chartour of the landis of Evindaill, gevin to the Erll of Lennox.

Ane instrument of seising of Matho, Erll of Lennox, of the landis of Renfrew.

Ane instrument of seising gevin be the Lord Evindaill to the Erll of Lennox, of certane landis in Evindaill.

Ane clame maid be Matho, Erll of Lennox, clamyng the landis of Drumry, as air to his fader Johnne.

Ane instrument of seising in paper of the landis of Torboltoun.

Ane seising of Johnne, Lord Dernlie, of the landis of Evindaill, past upoun a retour.

Ane instrument of seising of the Erll of Lennox of Maister Adame Colquhownis hous of Stablegrene.

Ane assignatioun of the haill reversionis of the erldome of Lennox, maid be the King and Counsale to Robert, present Erll of Lennox. Page 403.

Ane instrument of seising of Matho, Erll of Lennox, and Elizabeth Hammiltoun, his spous, of the landis in Evindaill.

Ane precept of seising of Johnne, Erll of Lennox, of the landis in Evindaill.

Ane instrument of seising of the landis in Renfrew to Matho, Erll of Levinax.

Ane rolment of court of Dernly, subscrivit be Johnne Vaus.

Twa scrollis of compt buikis of the sherefdome of Dumbartane.

Certane informationis of exceptionis aganis the sheriff and utheris.

Ane memoriale of the landis pertening to my Lord of Lennox liand within the barony of Evindaill and sherefdome of Lanark.

Ane decreit of reductioun aganis the Erll of Montrois and utheris.

Ane decreit of reductioun at the instance of James Stewart aganis the Lord Erskin.

Ane uther decreit at the said James instance aganis Kilmahew, my Lord Boyd, and utheris.

Ane uther decreit at the said James instance aganis my Lord Simpill and Bishop of Sanctandrois.

Ane remembrance of ane Mr Fowlar, schawin and producit to my Lord.

Ane other for the said Mr Fowlar, inlikuise to be shawin to my Lord.

Ane inventar maid the xxvi day of Junii 1544 yeiris.

Ane reversioun of Altounburne, unsealit.

Ane reversioun maid be Quintene Schaw, of the landis of Langdreghorne.

Ane obligatioun for delivering of ane reversioun of Ovir Dernley be Johnne Stewart of Halrig.

Ane reversioun of James Blairis in paper for the landis of Dreghorne.

Ane indentour betuix my Lord of Lennox and the Lord Cathcart.

Aucht inventouris of writtis pertening to my Lord of Lennox."

"Je confeses avoir reseu par les mains de madame de Lenox tous les

cta 1579–81. papiers conteneus en cepresent Inventour; en tesmoing de quoy je sygne la presente de ma main, en labaye de Halieruidhous, le xii^eme^ jour du mois de Januar 1579. ESME STUART." Lord Aubigny's receipt for the above documents.

"REX—We, be the tennour heirof, with avise and consent of the Lordis of our Secreit Counsale, grantis us to have ressavit fra our richt traist cousignace Dame Elizabeth Stewart, Countesse of Lennox, for hirself, and in name and behalf of our dearest and onlie granduncle, Robert, Erll of Lennox, Lord Dernley, hir spous, the reversionis, writtis, and utheris evidentis befoir writtin, quhilkis wer deliverit be hir at our command to our richt traist cousing Esme Stewart, Lord Obigny, concerning the leaving and lordschippis of the erldome of Lennox, and utheris landis pertening thairto, as the same ar mentionat and writtin in the inventar befoir writtin, quhilk is subscrivit be the said Esme Stewart, Lord Obigny, in taikin of his ressait thairof; and thairfoir We, for us and our successouris, exoneris, quitclames and dischairgis our said dearest and onlie gretuncle, Robert, Erll of Lennox, and our said richt traist cousignace, his spous, thair airis and assignais, and all utheris havand interes, of the saidis reversionis, writtis, and evidentis for evir,—quhairanent We bind and obleissis us and our successouris to warrand thame; and farther, We ordane thir presentis to be registrat in the buikis of our Secreit Counsale *ad perpetuam rei memoriam:* Be thir presentis gevin under our signet, and subscrivit with our hand, at our palice of Halieruidhous, the xiii day of Februar and of our regnne the xiii yeir, 1579. Sic subscribitur: James R. Eglintoun. Ergile."[1] King's own acknowledgment of the delivery of the documents as inventoried, and his formal discharge thereof to the Earl and Countess of Lennox.

Page 404. Caution in £1000 by Mr Thomas Lyon of Baldukie for James Scrymgeour of Dudop, constable of Dundie, that he shall not disturb Robert Bruce of Pitlethie in the peaceable possession of the lands of Wallace Craigie. Holyrood, 19th January. Caution for the Constable of Dundee.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Hugo, Comes de Eglintoun; Joannes, Comes de Montrois; Andreas, Dominus Uchiltrie; Dunfermling; Deir; Newbottill; Sanctcolmis Inche; Clericus Registri; Advocatus. Holyroodhouse, 21st January.

Complaint of Robert Gourlaw, burgess and "custumar" [*i.e.*, customs officer] of Edinburgh, as follows:—Inasmuch as "the said office of custumarie cravit the said Robertis continewall attendence, but pretermitting of ony tyme," his Majesty, by letters under his subscription and signet, dated March 9, 1578, had "exemit him fra all passing of oistis, raidis, and army, and fra all passing upoun assyissis or inquiestis in actionis criminale or civile, as alsua fra pament of ony taxt, stent, or other impositioun, and fra all wacheing and warding, sa lang as the said Robert remanis Robert Gourlaw, officer of customs, against the Magistrates of Edinburgh.

[1] This delivery of so many documents relating to the property of the Lennox Earldom to the French stranger, Lord Aubigny, was preparatory to an important transaction less than two months hence. Compare a later enumeration of the Reversions of the Lennox Earldom in an Act of Parliament of November 1581, Acts iii. 248–251.

custumar of Edinburgh." Due intimation of this exemption having been given to the provost and bailies of Edinburgh, the complainer had "hoipit to have enjoyit his Hienes favour and privilege grantit to him be virtew thairof, without calling the same in ony doubt or questioun be ony subject of this realme, meikle les of the saidis provest and baillies." Yet they have taxed him £30 for contribution to the expenses of his Majesty's entry into Edinburgh, and for his non-payment of the same have committed him to the Tolbooth.—The Provost and Bailies have been summoned to answer the complaint; and now, "the said Robert Gourlaw compeirand personalie," with Mr Johnne Russell his prolocutor, and Alexander Clerk, provost, Williame Litill and Johnne Adamsoun, bailies of the said burgh, being also personally present, with Mr Johnne Scharp their prolocutor, the case is fully heard and decision is given. It "ordanis the saidis provest and baillies of Edinburgh to desist and ceis fra all trubling, warding, or molesting of the said Robert, in his body, landis, or guidis, for the said taxt and stent ordanit be thame to be upliftit as said is, or for ony uther stent or taxt imposit or to be imposit upoun him, his landis, guidis, or geir, in tyme cuming, bot to suffer and permit him to bruik and enjoy the favour and privilege of the said exemptioun in all pointis conforme to the tennour thairof during the space foirsaid." Acta 1579– Page 405.

Earl of Angus's promise.

Promise by Archibald, Earl of Angus, to make the men of the abbacy of Jedburgh, of which he is bailie, answerable for relief of the warden; whereof Andro, Commendator of the said abbay, took instruments.

Holyrood-house, 24th January.

Caution for John Hamilton.

Caution in £1000 by Robert Lyndesay of Dunrod, Andro Hammiltoun of Lethame, and Johnne Lyndsay of Covintoun, for Johnne Hammiltoun, brother of Sir Andro Hammiltoun of Goslintoun, that he shall enter again in ward when required after his release from Blaknes, Hammiltoun of Lethame and Robert Baillie of Park relieving the cautioners.

Edinburgh, 27th January.

Caution for the Constable of Dundee.

Caution in 1000 merks by James Scrymgeour of Glaswell and James Moncur of that Ilk for James Scrymgeour of Dudop, constable of Dunde, that he shall fulfil the King's farther pleasure and will "anent the quarrellous speiche usitt be him" to Robert Bruce of Pitlethie in presence of his Highness, and shall keep good order in tyme coming. Page 406.

Caution for Robert Bruce of Pitlethie.

Counterpart caution in 500 merks by James Melvile of Halhill for Robert Bruce of Pitlethie, that he shall fulfil the King's farther pleasure "anent the quarrellous speiche" to the constable of Dunde.

Holyrood-house, 30th January.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie; Hugo, Comes de Eglintoun; Patricius, Dominus Lyndesay; Dumfermling; Deir; Newbottill; Culros; Computorum Rotulator.

ta 1579–81. The preamble runs thus:—"Forsameikle as, upoun the occasioun of sum contentious wordis quhilkis laitlie happanit to fall out in presence of the Kingis Majestie betuix umquhile George Gordoun of Geicht on the ane part, and Alexander Forbes, younger of Tollie, on the uther part, quhairupoun schortlie eftir followed baith thair slauchteris, the kin and freindis alsua of baith the saidis partiis ar movit in quarrell and contraversie, ayther of thame aganis utheris; quhilk, gif the samin be not removed and taikin away in tyme, be sum mid and indifferent way, to thair ease and weill, gretar inconvenientis is abill to follow, to the trubling of the gude and quiet estait of the haill cuntrie."—Accordingly, Williame, Lord Forbes, and Johnne, Master of Forbes, his son, on the one part, and Adame Gordoun of Auchindoun, on the other part, are charged to appear at Edinburgh before the Privy Council upon 10th April next, under pain of rebellion, "accumpanyit with the maist honest, wyis, and discreit personis, thair principall freindis, not exceiding xl personis, in quiet and peciabill maner, quhome they think maist meit to treat and intercommoun for removing of the contraversie presentlie standing betuix thame, thair kin, freindis, assisteris, and partakeris, and perfiting and concluding of a perfite reconciliatioun and aggrement in tyme cuming": the principals of both the said parties to remain in their lodgings after their coming to Edinburgh until order be taken in the matter. "And, to the effect the said reconciliatioun and ordour may the bettir proceid, and all thingis Page 407 tending to the contrary in the menetyme may be eschewit," the following persons, viz.:—Alexander, Earl of Sutherland, Johnne Gordoun of Lochinvar, Adame Gordoun of Auchindoun, Johnne Gordoun of Cluny, Alexander Gordoun of Abiryeldy, Johnne Gordoun of Pitlurg, George Gordoun of Leismoir, James Gordoun of Haddo, Johnne Gordoun of Carnfeichill, James Creychtoun of Frendraucht, Andro Meldrum of Darbey [Drumbrek?], and Williame Seytoun of Meldrum, on the one part, and the said Williame, Lord Forbes, Johnne, Master of Forbes, Alexander Forbes of Pitsligo, Johnne Forbes of Tolleis, James Forbes of Corsinda, Johnne Forbes of Brux, Mr Doncane Forbes of Monymusk, Williame Forbes of Cors, Williame Forbes of Tolquhone, Alexander Banerman of Wattertoun, Johnne Caddell of Asslowane, and James [George?] Johnnestoun of Caskyben, on the other part,—are commanded "to subscrive sic formes of assuirances as salbe presentit unto thame, notit by the clerk of Counsale, to induir unto the first day of August nixt to cum, within xxiiii houris nixt eftir they be chairgit thairto, under the pane of rebellioun."

Proceedings to be taken for assuaging and ending the feud between the Gordons and the Forbeses.

Discharge of the letters of execution raised by the bairns and friends of the late Thomas Fraser of Streichin against Johnne Gordoun of Ardmanchao and Agnes Betoun, Lady Geycht, "anent the entrie of Williame Gordoun, sone of the said Johnne, befoir his Hienes and Lordis of Secreit Counsale, upoun the penult day of Februar nixt."

Discharge to Gordon of Ardmanchao.

Cautioun in £2000 by Johnne Gordoun of Lochinvare for George Grahame

Caution for Graham of Rampatrick.

of Rampatrik, that he shall, on being released from the tolbooth of Edinburgh, keep ward in Edinburgh and the Cannogait till 20th February next, when he shall re-enter in the said tolbooth. Acta 1579-

Edinburgh, 3rd February.

Caution for the Master of Forbes and other Forbeses.

Caution in 20,000 merks by Alexander Forbes of Pitsligo, Williame Forbes of Tolquhone, and Johnne Forbes of Tollie, for Johnne, Master of Forbes, Mr Arthoure Forbes, brother of the Laird of Cors, James Forbes of Barnis, Gilbert Forbes, Arthour Forbes of Carnecullie, Williame Forbes, his brother, and Williame Forbes of Fingaith, that they shall keep ward in Edinburgh till relieved: Williame, Lord Forbes, undertaking to relieve the sureties.

Holyrood-house, 8th February.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Hugo, Comes de Eglintoun; Robertus, Dominus Boyd; Andreas, Dominus Uchiltrie; Commendatarius de Dumfermling; Commendatarius de Sanctcolme; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Prepositus de Dundie. Page 408.

Order to Border lairds and others for the entry of certain persons for whom they are answerable, and who are charged with outrages upon English subjects.

The preamble runs:—"Forsameikle as thir personis underwrittin, duelland under the maisteris and landislordis following, or under the charge and office of the Keipar of Liddisdaill, ar fylit befoir the Warden of the Middle Marche of this realme for certane attemptattis committit be thame upoun the subjectis of England, aganis the peax, as in the particulare billis thairupoun at mair lenth is contenit, and thair saidis maisteris, landislordis, and utheris havand charge and office owir thame, being chairgit to mak thame answerabill for releif of oure Soverane Lord and his Warden, promisit sa to do, and yit compeirit not at the last metingis to that effect." Then follows the list of culprits, with the masters and landlords answerable for them. They are—Willie Hall of Grundersnuke, under the Laird of Hunthill, or James Davidsoun of Birnirig; Gib Lorane, Archie Turnbull of Langraw, under the Laird of Beddroule; Archie Turnbull of Langraw, Raulphe Robsoun of Middillisknowis, Ringyeane Robsoun of the Wellis, Jok Hall of the Clintis, Jok Hall of the Sykis, David Anislie of Thikside, under Archibald, Earl of Angus; George Dowglas in Swinside, and George Dowglas of the Peale, under the Laird of Hundoley, "for the bill of Johnne Selby of Twysill tuicheing the guidis taikin furth of Monylawis;" Watt Turnbull, Thome Turnbull, sons of the Laird of Beddroule, James Turnbull of the Toure, George Turnbull, his brother, under the said Laird, for the bill of the Laird of Panstoun, Englishman; Richart Davidsoun in Softlaw, James Burne there, under the Laird of Greineheid, for the bill of Matho Struderis, Englishman; Rid Marteine Ellot of the Heuchhous, Johnne Ellot of Bewholmis, Johnne Ellot, son of Dand of Heuchhous, and Eduarde Niksoun, Laird of Dunlybyir, under the charge of Johnne Carmichaell, younger of that Ilk, Keeper of Liddisdaill, and under the pledge and band of surety of Robert Ellot of Reidheuch, for the bill of the Lady Heroun, Englishwoman;

Acta 1579–81. Will Ellott of Hoistcoit, Will Ellot, Archie Ellot, brother of Robene Ellot of Reidheuch, under the said Johnne Carmichaell; Robene Ellot of Reidheuch, Gawen Ellot of Hostcoit, and Watt Scot of Harden, for the bill committed upon Cocquett Water in England; Hob Ellot of Heuchhous, Marteine Ellot, called Reid Marteine, his brother, under the keeping of the said Johnne Carmichaell, and under the pledge and band of surety of the said Robert Ellot of Reidheuch, for the bill of Johnne Hall, Englishman; the said Jok Hall of the Clintis and Jok Hall of the Sykis, under the said Archibald, Earl of Angus, for the bill of Mr Finwik, Englishman; the said Johnne Hall of the Sykis, under the said Earl of Angus, for the bill of Richart Hancokis, Englishman.—In order, therefore, that "dew redres and delivery may be maid for the saidis attemptattis at the nixt metingis appointit betuixt the said warden of the Middle Marche of this realme and the warden depute of the Eist Marche of England at Reddenburne upoun the xvii day of Februar instant, and betuix our said warden of the Middle Marche and the warden of the Middle Marche of England at the Scalfurde upoun the xviii day of the same moneth," the said Masters, Landlords, Keeper of Liddisdaill, and the others abovewritten, are charged to present the foresaid offenders, "for the redres of the saidis billis filit upoun thame, to the said Warden, for relief of our Soverane and him,—that is to say, for the attemptattis and billis in the Eist Marche of England upoun the said xvii day of Februar, and for the attemptattis and billis in the Middle Marche of England upoun the xviii day of the same moneth of Februar;" or else they are commanded to enter themselves in room of their men for whom they are answerable, "under the pane of rebellioun."

Page 409. Complaint of Rodger Greirsoun of Lag, and Thomas Greirsoun, his brother, as follows:—"In the lait trubill committit within the burgh of Drumfreis, in the actioun debaittabill betuix the Lairdis of Apilgirth and Cloisburn," the complainers had been active in "riddand the saidis partiis frome bludesched and inconvenient." While they were so engaged, "David Carlile in Cruiketheuch, servitour to George Dowglas, wardatare of Carthorall, incontrair the tennour of our Actis of Parliament, did present a pistolet to the said Thomas Greirsoun, quhilk did discharge, and he narrowlie did eschaip, at the plesoure of God, amangis the nowmer of thre hundreth gentilmen; lyke as alsua, at the same tyme, Hob Carlile, servitour to Edwert Maxwall of Tinwald, alsua with ane swird tendit to have slaine the said Roger Gre[ir]soun of Lag."—The accused had been duly summoned; and now, the chief complainer, Greirsoun of Lag, appearing personally, but "the saidis David and Hob Carlilis being oftymes callit and not compeirand," the order to officers is "to pas and denunce the saidis David and Hob Carlilis our Soverane Lordis rebellis, and put thame to the horne, and to escheit and inbring all thair movable guidis to his Hienes use, for thair contemptioun."

Order to denounce David and Hob Carlyle for attacks on Grierson of Lagg and his brother.

Holyrood-house, 9th February.

Sederunt—Domini ut in die predicto. Acta 1579–81

Patrick Butter and Thomas Eroch charged with an assault on Mr James Balfour, minister.

Complaint of Master James Balfoure, minister at the kirk of Roscoby, as follows:—"Upoun the tent day of Januar last bipast, beand the Sabbot day, he wes passand to the said kirk of Roscoby, to have usit his office and charge in ministratioun of the Word of God to the parochineris and utheris convenit at dew tyme of sermon, belevand, in respect thairof, and for the reverence that aucht to have bene borne to Goddis Word, to have ressavit na stop nor impediment, meikle les injurie or invasioun be way of deid of ony persoun. Notwithstanding, far by his expectatioun and without ony offence or injurie offerrit be him to ony personis, Patrik Buttir in Gormok, and Thomas Eroch, servand to Johnne Buttir of Gormok, bodin with jakis, steilbonattis, and pistolettis, prohibit to be worne be Actis of Parliament and Secreit Counsale, upoun sett purpois unbeset the said Mr James way, and with ane of the saidis pistolettis fellit him to the ground, and, beand liand thairon, dischairgit ane uther pistolet at him; howbeit at Godis plesour he eschaipit the dangear thairof. Quhilk being persavit be thame, and that he wes sumquhat recoverit of his formar hurt ressavit be the strek of the first pistolett, at last thay persewit him with drawin swirdis, hurt and woundit him in divers partis of his body, and specialie in his richt arme, to the effusioun of his blude in gret quantitie, and had not faillit to have slane him, war not the help of nychbouris that stayit thame."—To answer this complaint Page 410. the said Patrik Buttir and Thomas Eroch had been summoned before the Council [but at this point the minute stops abruptly, a space being left blank in the Register for engrossing the decision].

Concerning kirk order and discipline in his Majesty's household.

"The Kingis Majestie acknawlegeing the greit benefitis bestowit upoun him be Almychtie God, and how of dewitie it becumis him to be cairfull for the conservatioun and purgatioun of the trew and Christiane religioun, considdering that the eyis of his subjectis attendis to the behaviour of his Hienes self and his houshald, directing for the maist part the cours and forme of thair leaving according thairto, and that the godlie and vertuous governing of his Hienes and his hous salbe ane example and patroun to his haill realme, Thairfoir his Majestie, with avise of the Lordis of Secreit Counsale, findis it ressonabill, and commandis and ordanis, that thair salbe ordinar precheing of Godis word and the stait of a reformit kirk within this his Hienes hous, and ane oulklie sessioun of the ministeris, eldaris, and deaconis thairof, quhairevir his Hienes residence sal happin to be, and then to appoint rewlis and ordouris in all decent and civile thingis amangis the memberis of the said kirk, tending to the furthsetting of Godis glorie and gude ordour, according to the word of God and practize ressavit in the reformit kirks of this realme, but prejudice alwyis of the ordour that sal happin to be tane heireftir be the personis appointit to treat upoun materis of the Policie.

That his Hienes maister of houshald, as ordinar magistrat and justice

Acta 1579–81. within his Majesteis hous, concur and hald hand to the using and exerceis of the ecclesiasticall discipline and dew puneisment of the contempnaris and offendouris quhatsumevir, and be with the ministeris and eldaris in thair assembleis.

That all personis lugeing within the Kingis palice and hous be subject to the discipline of the kirk thairof, and that the maister of houshald require all nobilmen and utheris ludgeing with[in] the palice or hous to gif in the names of thair servandis, that they may be enterit and maid answerabill to the kirk and magistrat as occasioun sall serve, or ellis removed and put frome thair cumpany; and that ane prissoun be appointit for the bettir puneisment of offendouris.

For unitie in confessioun of faith amangis the foirsaidis personis, that they be all subject to gif a confessioun of thair faith according to the Actis of Parliament maid thairanent.

That the lawis and Actis of Parliament aganis Papistis be putt to executioun aganis all personis, alswele in the Kingis Majesteis hous and palice as utherwise.

Page 411. And that na maner of persoun nor personis presume nor tak upoun hand to hinder or impeid the proceidingis of the kirk and justice within his Hienes hous or in ony uther part of this realme in tyme cuming, under the pane of incurring of his Majesteis heich displesour and indignatioun."

Assurance between the Maxwells and the Johnstones.

Robert Johnnestoun of Carnsalloch complaining of having been hurt in Drumfreis, "to the effusioun of his bluid in gret quantititie," by Robert Maxwall, brother natural to Johnne, Lord Maxwall, and Archibald Maxwall of Cowhill, "lyke as it is meanit on the uther part that the said Archibald Maxwall wes alsua hurt at the same tyme," it is thought necessary that assurance be entered into by both parties and their friends. Therefore Johnne, Lord Maxwall, and the said Robert, on the one part, and Johnne Johnnestoun of that Ilk, and the said Robert Johnnestoun of Carnsalloch, on the other part, are charged, under pain of rebellion, to subscribe, within twenty-four hours, "ayther of them, sic form of assuirance as salbe presentit unto thame, notit be the clerk of counsale, to induir unto the first day of August nixt to cum, quhairthrow tryell and ordour may the bettir be tane in the menetyme."

Edinburgh, 10th February. Caution for Scot of Abbotshall.

Caution in £500 by Thomas Scot of Abbottishall, for Williame Scot, younger, of Abbottishall, that he shall cease to intromit with the salt pans and coalheuchs belonging to Cristiane Betoun, relict of Michaell Balfour of Burlie, and Patrik Kyninmonth of Craighall, now her spouse.

Edinburgh, 12th February. Caution for Robert Robertson, and others.

Caution by Thomas Scot of Abbottishall, for Robert Robertson, James Richartsoun, and James Moreis, in 100 merks each, that they also shall not intromit with the above-mentioned salt pans and coal heuchs.

Caution for Guthrie of that Ilk.

Caution in £1000, by Alexander Guthrie of that Ilk, and Alexander Guthrie, his son and apparent heir, that the former shall not "invaid, molest, troubill, nor persew" Mr David Gardin of that Ilk, or his men [see *ante*, p. 249]. Acta 1579–81.

Holyrood-house, 13th February.

Sederunt—Domini ut in die predicto. Page 412.

Respecting the Customs of Edinburgh.

"The Kingis Majestie, with avise of the Lordis of Secreit Counsale, having considderit the supplicatioun of the provest, baillies, counsale, and communitie of the burgh of Edinburgh, anent the alienatioun of thair custumes, and willing to have that mater orderit in sic forme as that the custumes be usit and tane up as they war afoir the said lait ordour, quhill the conventioun of the commissioneris of burrowis appointit the xxiiii day of Februar instant, unto the quhilk conventioun his Majestie will direct sum sufficientlie instructit in sic thingis as his Majestie thinkis himself interest in, or concerning the commounwele of his realme, that thairupoun sex or aucht personis havand commissioun for the haill burrowis may be returnit to his Hienes and Counsale to treat and conclude upoun the saidis materis as salbe thocht maist meit and ressonabill."

Warrant for the issue of commissions for the execution of certain Acts of Parliament.

The preamble runs: "Forsameikle as thair is certane godlie and gude actis maid be our Soverane Lord and his maist nobill progenitouris, tending to Godis glorie, the puneisment of vice and commounweill of this realme, quhilkis heirtofoir hes tane small effect, in defalt of speciall commissioun to execute the same as is necessar in everie particular landwart parochin." For remedy, the Secretary is to pass letters under the signet to such persons in every landward parish as shall be nominated by the bishop, superintendent, and commissioner of that diocese and country, appointing them justices in that part, with full power to execute the acts of Parliament underwritten: viz., "Anent the sweiring of abbominabill aithis; Anent thame that perturbis the kirk in tyme of divyne service; Anent thame that knawis thameselffis under the proces of cursing; Dischargeing of marcattis and laboring on Sonday, or playing and drinking in tyme of sermon; That houshaldaris have Bybillis and Psalme buikis; For puneisment of strang and ydill begaris and releif of the puir and impotent within the boundis of the same parochin." The commission is to continue in force for one year, "and forther, ay and quhill they be specialie dischairgit."

Holyrood-house, 14th February.

Sederunt—Domini ut in die predicto.

Band for payment to the King of 4000 merks yearly, so long as William Erskine re-

Registration by Adame, Commendator of Cambuskynneth, of a band by Alexander, Master of Elphingstoun, James Striviling of Keir, knight, James Seytoun of Tullibody, and Johnne Reid of Aikinheid, to the effect that, "forsameikle as it hes pleasit the Kingis Majestie, our Soverane Lord, for the gude, trew, and thankfull service done to his Hienes be the Page 413.

Acta 1579–81. nobill and michtie Lord, Johnne, Erll of Mar, lord Erskin, etc., and for rewaird thairof, to grant, gif, and dispone, in the favour of the said Erll, to his cousing Maister Williame Erskin, chancellar of Glasgw, all and haill the abbacie of Paslay, leving and fruittis thairof, and that, notwithstanding, in respect of his Hienes present gret chairgis in sustening of his hous and utherwise, the sowme of foure thousand markis salbe yeirlie payit to the furnissing of his Majesteis house, and souirtie to be fund to that effect," therefore the said persons become bound, conjunctly and severally, to pay to the King, and to Alexander Durhame, now provisor of his Majesty's house, or his successor, the said sum of 4000 merks yearly, so long as the said Erskin remains possessor and titular of the said abbey. The procurators for registration of the band, which was subscribed at Halieruidhous 12th February, are the said Commendator, Mr James Colvile, and Michaell Elphingstoun; and the witnesses are Alexander, Master of Mar, Adame, Commendator of Cambuskynneth, George Stewart of Rossyth, George Halket of Pitfirrane, and Thomas Craufurd of Jordanhill. mains possessor of the Abbey of Paisley.

Caution in £2000 by Johnne, Lord Maxwall, for Robert Maxwall of Cowhill, that he shall "with diligence" come from Abirdene to Edinburgh, and keep ward within the town till relieved. The act of caution for his keeping ward in the Castle of Invernes and burgh of Abirdene is therefore discharged. Caution for Maxwell of Cowhill.

Page 414.

Caution in 500 merks by Hew Kennedy of Barquhony, for Williame Mureheid, brother of James Mureheid, sometime of Lauchope, that he shall appear before the Council or Justice when warned. Caution for William Muirhead.

The entry of Johnne, Lord Maxwall, in Blaknes dispensed with to the 1st of May next, his cautioners continuing liable for his entry upon that date [see *ante*, p. 245]. In favour of Lord Maxwell.

Sederunt—Domini ut in die predicto. Holyrood-house, 15th February.

Great trouble has "laitlie rissin within the sherefdome of Elgin and Fores be occasioun of the deidlie feid and inimitie standing betwix the clannis and surnames of the Dumbarris and Innessis, quhairupoun gretar inconvenient is abill to follow." Accordingly, James Dumbar of Cumnok, Mr Alexander Dumbar, dean of Murray, James Dumbar of Tarbert, David Dumbar, apparent of Durris, Mr Johnne Dumbar of Meftis, and George Dunbar in Westir Alves, on the one part, and Johnne Innes of that Ilk, Robert Innes of Innermerkie, elder, Robert Innes of Innermerkie, younger, Robert Innes of Drany, Alexander Innes of Cokstoun, and Thomas Innes of Petnik, on the other part, are charged to appear before the Council upon 15th April next "to underly sic ordour as salbe thocht meit," under the pain of rebellioun, and in the meantime to subscribe Proceedings for stopping feud between the Dunbars and the Inneses.

such forms of assurance as shall be presented to them, under the same penalty. Acta 1579–81.

Edinburgh, 21st February. Caution for James Crichton.

Caution in £100 by Williame Creychtoun, tutor of Sanquhar, for the appearance of James Creychtoun in Mylhill, before the justice when warned, Adam Creychtoun, fiar of Ruthvennis, and Abrahame Creychtoun in Kirktoun of Ferme, relieving the surety. Page 415.

Stirling Castle, 27th February.[1]

Sederunt—Domini ut in die predicto.

Charge to Jardine of Applegarth.

Because of the "variance and contraversie" at Drumfreis between Alexander Jarden of Apilgirth, on the one side, and Thomas Kirkpatrik, younger of Cloisburne, and Roger Greirsoun of Lag, on the other side, both parties had been charged to subscribe a form of assurance [see *ante*, p. 263]. Jarden however, has refused to subscribe the band. He is now accordingly charged again to obey, or else to enter in ward in the palace of Linlythqu, under pain of rebellion.

Order to denounce Habbie Jardine for non-appearance to answer a complaint.

Complaint of Archibald M^{c}Brair, provost of Drumfreis, and Archibald Maxwall, brother of Robert Maxwall of Cowhill, as follows:—"For avoyding and staying" of the "gret and liklie appeirance of bluidscheid" between the Lairds of Apilgirth and Cloisburne upon 11th January last, "the said provest, according to his office, interponit himself as reddar betuix the saidis partiis;" whereupon Habbie Jardane with his accomplices set upon the complainers with weapons, and "invadit thame cruellie, on suir purpois to have slane thame," wounding them in their heads, "to the gret effusioun of thair blude."—Habbie having failed to appear to answer for the assault, though lawfully summoned, the Lords now order him to be denounced rebel. Page 416.

Stirling Castle, 3rd March.

Sederunt—Colinus, Comes Ergadie; Willielmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanct Colme; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri.

Suit of James Nisbet of Edinburgh against the Earl of Lennox.

Complaint by James Neisbett, burgess of Edinburgh, as follows:—John Cunninghame of Drumquhassil having been put to the horn for not paying a certain debt due by him to the said James [see *ante*, pp. 122, 145, 193], his escheat had been granted to Robert, now Earl of Lennox, who accordingly was commanded to make payment to the complainer of the sum of £500 "of the first and reddiest of the said Lard of Drumquhassillis escheit guidis and geir to be intromettit with." This the Earl had altogether refused to do, at least postponing and deferring, "contrair all gude conscience, and Page 417.

[1] Note the removal of the Court and Council back to Stirling, after having been in Edinburgh since the preceding October. The King had left Edinburgh on the 15th of February.

Acta 1579–81. to the said James utter wrak and heirschip without he be compellit." The Earl of Lennox had been duly charged to make payment to Neisbett of the said debt, or to answer before the Council for his non-payment; and now, as he has failed to do either, the sentence is that he shall pay within six days after he is charged, under pain of rebellion.

Merchants in Edinburgh and in other Burghs, against Adam Fullarton.

Complaint by Mr Johnne Provand, Johnne Achesoun, Johnne Arnot, Robert Abircrumbie, Williame Fairlie, David Williamesoun, Williame Neisbett, Archibald Johnnestoun, burgesses of Edinburgh, Andro Lamb, Andro Logane, Johnne Dasoun, Alexander Stevin, Robert Watsoun, George Ker, Johnne Williamsoun, in Leith, David Endeoch, burgess of Abirdene, Johnne Thomsoun in Sanctandrois, Alexander Ramsay in Dunde, Williame Arnot in Crail, "and the remanent personis, burgessis within this realme, quhilk hes had thair guidis reft and spuilyeit be Englismen," as follows:—"Upoun divers and sindrie complaintis maid be thame to James, Erll of Mortoun, Lord of Dalkeith, Regent for the tyme, tua yeir syne and ane half or thairby, it wes then ordanit be him that the provest, baillies, and counsale of the burgh of Edinburgh, with sum utheris of the rest of the burrowis, sould convene thameselffis togidder, and conclude quhat they thocht best to be done towart the suitting of redres, at the Quenis Majestie and Counsallis handis of England, of the spuilyeis committit upoun thame and sindrie utheris his Hienes liegis. Quhilkis being convenit, it wes thocht maist expedient be thame that the said Regent sould send and direct letters in their name to the Quenis Majestie and Counsale of England, desiring thame to tak ordour thairanent; and then they electit and chusit Adame Fullartoun, burges of Edinburgh, quha wes ane merchand, to pas thairwith [*see* vol. ii. p. 707]. Quhilk desire being thocht ressonabill be the said Erll of Mortoun, upoun thair sute, [he] directit the said Adame Fullartoun, with his Hienes letters, to sute and crave quhat ordour mycht be taikin thairanent, and that redres mycht be had and maid for the samin: quha wes dispascheit away with all diligence, to the effect foirsaid, upon the burrowis expenssis within this realme, and then thair wes presentlie deliverit to him the sowme of sex hundreth pundis to be his expenssis in the jornay; quhair he hes remanit continewallie sensyne, quhill that now laitlie, within thir sex or sevin oulkis, that he hes returnit hame. And trew it is that the saidis compliners yit hes gottin na knawlege of his proceidingis, nor quhat is done in the said mater; albeit, as his Hienes is informit, he hes ressavit divers and gret sowmes of silvir in money and penny worthis, abone the sowme of tuentie thousand merkis money of this realme, and is myndit to gif nor mak na compt nor rekning
Page 418. thairof, to thair gret hurt."—The defender, Fullartoun, having been summoned to answer the charge preferred against him, has appeared personally, with Robert Abircrumbie, Andro Lamb, Andro Logane, Johnne Williamsoun, and David Endeoch, for the pursuers; and the decree now is that Alexander Clerk, provost of Edinburgh, and James Adamsoun, burgess thereof, Mr Patrik Quhitlaw, and Diones Conquerour, burgesses of Perth,

or one of the two, Alexander Scrymger and Richart Blyth, burgesses of Dunde, or one of them, George Elphingstoun, bailie of Glasgw, Williame Menzeis, burgess of Abirdene, Robert Alexander, burgess of Striviling, Mr David Russill, burgess of Sanctandrois, and George Lokhart, burgess of Air, shall meet at Edinburgh, upon the 9th of March instant, for receiving the said Adame Fullartoun's "charge, discharge, superexpenssis, and all utheris his comptis, and to allow, end, and perfite the same as accordis of ressoun, equitie, and gude conscience, as they will answer to God and our Soverane Lord thairupoun." Acta 1579–81.

Approbation of Act of Convention of Burghs at Glasgow concerning the taxation of the burgh of Irvine.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secreit Counsale be the communitie and inhabitantis of the burgh of Irvin, makand mentioun, that quhair in the moneth of November last bipast they meanit unto his Hienes and the saidis Lordis, how that a nowmer of thame that war puir men, upoun a certane abuse usit be the magistratis of the said burgh in collectioun of stentis and contributionis within the same in tymes bipast, war alike and equalie stentit with certane inhabitantis thairof of gretar rank and substance; at quhilk tyme it wes ordanit be his Hienes and the saidis Lordis that the commissionaris of burrowis sould sicht and considder thair supplicatioun, and quhat ordour they thocht meit to be taikin thairanent, to report the samin agane to his Hienes and the saidis Lordis, that ordour thaireftir mycht be followit furth as sould be thocht best, as the said supplicatioun and deliverance thairof at mair lenth proportis. According to the quhilk the saidis compliners laitlie gave in the same supplicatioun to the Commissioneris of Burrowis convenit at Glasgw; quha hes sichtit and considderit the same, and hes ordanit, quhen ony taxatioun sould happin to occur, that the said toun of Irvin sould be stentit, taxt, and ane taxt roll maid thairupoun, conforme to the use of uther burrowis,—to witt, the provest, baillies, and counsale thairof sall caus and depute certane sworne men of the said toun to taxt everie ane within the samin according to thair habilitie,—as ane act and ordinance maid thairupoun will testifie. Quhilk act and ordinance the saidis compliners hes reportit to his Hienes and the saidis Lordis: humilie desiring thairfoir that, be Act of Secreit Counsale, the foirsaid Act maid be the saidis Commissioneris of Burrowis mycht be ratifiit, approvit and confermit, quhairthrow the samin mycht tak the bettir effect and executioun heireftir, like as at mair lenth is contenit in the said supplicatioun; quhairwith wes producit the said act and ordinance, off the quhilk the tennour followis:— [The Act of the Convention of Burghs, held at Glasgow, February 24–27, 1579–80, is here inserted textually, as extracted from the Book of the Acts by Mr Henry Gibsoun, notary and clerk of the Convention, and certified by him as a true copy [1]].—"Quhilk Act and Ordinance of the saidis Commissioneris, togidder with the said supplicatioun, being hard, sene, and Page 419.

[1] Printed in the "Records of the Convention of Royal Burghs," vol. i. p. 87.

cta 1579–81. considderit be the Kingis Majestie and Lordis of Secreit Counsale, and they thairwith being ripelie avisit, the Kingis Majestie and Lordis of Secreit Counsale, understanding the said Act and Ordinance maid be the saidis Commissioneris to be agreabill to ressoun and conforme to the use and ordour of uther burrowis, hes thairfoir ratifiit, apprevit, and confermit, like as they be thir presentis ratifiis, apprevis, and confermis, the said Act, ordaning the same to tak full effect and executioun heireftir in all pointis conforme to the tennour thairof."

Capt. Andrew Lambie and Barbara and Margaret Troup.

Complaint of Captain Andro Lamby, as follows:—Barbara Troupe, daughter of the late Thomas Troupe, burgess of Edinburgh, and Thomas Broun, her spouse, allege that in May 1573 he received from the late James Mosman, goldsmith, £1200, "in keiping, and to have bene deliverit be him to Alexander King, advocat," for the use of the said Barbara, and of Margaret, her sister, and that he promised to deliver the same faithfully. He is now pursued for payment of the money by the said Margaret before the Magistrates of Edinburgh. These, he contends, are not "judges competent thairto," because he is the King's servant, and is, therefore, "subject to the judgment of his Hienes Maister of Houshaldis." He is content to answer before the Master of the Household, or before the King and Privy Council themselves; "and appeirandlie this mater, careing with it sic danger as may tuiche all sic as constantlie remanit at his Majesteis obeydience during the tyme of the lait trublis, aucht to be judgit in presence of his Hienes and the saidis Lordis, sen utherwise the
Page 420. judgment of ony uther inferiour magistratis may be drawin in preparative, to the ease and commoditie of sic as maid defectioun, and hurt of his Hienes gude subjectis, that spairit not thair blude and guidis in his Majesteis service." Besides, "it is of veritie that na sic sowmes wes ressavit be the said Capitane, nor yit maid be ony sic promeis as is libellit." And, even if he had received the money, "yit is he maid frie and dischairgit thairof be his Hienes lait Act of Parliament maid in favour of his Majesteis trew and faithfull subjectis quhilkis remanit at his obedience" [1579, c. 55, iii. 174].—The defenders having been summoned to hear it decided who are the "onlie judgeis competent thairto as accordis of the law," and Captain Lamby appearing personally, and Thomas Broun being also present, but the Magistrates of Edinburgh not appearing, the judgment of the Lords is that the case shall be remitted again to the provost and bailies of Edinburgh, "to be decidit be thame, or utheris judges competent thairto, as accordis of the law."

Stirling Castle, 4th March.

Sederunt—Domini ut in die predicto.

Revocation of the Earldom of Lennox.

"Rex—We, understanding the privilege of the commoun law, actis and statutis of our realme, be the quhilk it is providit that all maner of personis may revoik, cas, and annull all thingis done be thame in thair

minoriteis quhairthrow they ar dampnagit and skaithit in thair heretagis be dispositionis, alienationis, assignationis of the samin, and that we have not onlie disponit to Robert, Bischop of Caithnes, be infeftment, our landis and patrimony of the leaving and erldome of Lennox, quhilk pertenit to umquhile our dearest guidsire, Matho, Erll of Lennox, Lord Dernlie, regent to us, our realme and liegis, for the tyme, and umquhile Henrie, King of Scottis, our dearest fader, and be thair deceis become to us as air to thame, bot als maid him assignay to all the reversionis, bandis and contractis maid for geving and delivering of reversionis, to our maist nobill predicessouris, Erllis of Lennox, for redemptioun of quhatsumevir landis thairof, and siclyke assignay to the letter of baillierie maid to our said umquhile dearest guidsire of the regalitie of Glasgw, during the yeiris thairof to rin, as in the infeftmentis and assignationis maid thairupoun at mair lenth is contenit, albeit na thing to our commoditie nor proffeit: Heirfoir we, being yit minor, within the aige of fourtene yeiris, upoun caussis moving us, revoik, cas, and annull all the saidis infeftmentis, donationis, and dispositionis maid be us, our tutouris or regentis, in ony maner of way, of the saidis landis and erldome of Lennox and lordschippis thairoff, offices and privilegis pertening thairto of auld, or ony part thairof, and may depend or result thairupoun, and of the assignationis to the reversionis abonementionat, and all that may depend thairupoun, togiddir with all uther infeftmentis of heretabill richt, conjunct fie, or lifrent, of the saidis haill landis, or ony part thairof, and alteratioun of the reversionis, or ony of thame, to quhatsumevir uther persoun or personis, proceiding of the deid of the said Robert, Bischop of Caithnes, and all that may depend or result thairupoun, sua that we may put our handis thairto, use the samin and dispone thairupoun as we sall think gude quhenevir it sall pleis us, but ony contradictioun, be vertew of this our revocatioun, actis and constitutionis maid thairanent; and ordanis this our revocatioun to be insert and registrat in our buikis of Secreit Counsale, *ad perpetuam rei memoriam:* Be this present, subscrivit with our hand at our Castell of Striviling, the fourt day of Marche, and of our regnne the xiij, 1579. Sic subscribitur: James R. Ergile. Montrois."[1]

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[1] This entry marks another important point in the history of that Lennox earldom in which the King had such a family interest (see *ante*, p. 213, footnote, and pp. 256–9, with footnote). It had been resolved that the King's favourite French kinsman, Esmé, Lord Aubigny, whose progress in influence since his arrival in Scotland six months ago had been prodigious, should be a Scottish nobleman, and that the family earldom of Lennox would suit him best. Accordingly, arrangements had been made by which the King's great-uncle, Robert, who had been infefted in the earldom, agreed to resign it, and to accept the earldom of March, with other compensations, instead. The present entry of March 4, 1579–80, revoking the infeftment to Earl Robert, was the necessary completion of that voluntary arrangement, and essential to the creation of the new Earl, Esmé, which took place the very next day, March 5. Henceforth, accordingly, the Earl of Lennox, in the sederunts of this Council, and in these pages generally, till he takes a still higher title, is the French Esmé Stewart, Lord Aubigny,—the son of that deceased John Stewart, great-uncle of the King, who had emigrated to France long ago, and been naturalised there,—while the other, and living great-uncle, Robert, hitherto Earl of Lennox, lives on as Earl of March.

a 1579-81. Caution in £1000 by Johnne, Lord Maxwall, for Robert Maxwall, his natural brother, that he shall keep ward in Edinburgh on being released from Dumbartane Castle. Caution for Robert Maxwell.

Caution in £200 by Edward Maxwall of Tinwald for the appearance of Hobbie Carlile, his servant, before the Council when warned. Caution for Hob Carlyle.

Caution in 500 merks by Edward Maxwall of Tinwell for Edward Maxwall, brother of Maxwall of Portrak, that he shall keep ward in Edinburgh on being released from Linlithqw Palace. Caution for Edward Maxwell.

Complaint of James Davidsoun, reader at Neilston, as follows:—"Upoun the xiiii day of Januar last bipast, he being in the foirsaid kirk, occupiit in reiding of prayaris and the word of God, Archibald Stewart, sone to Robert Stewart in Neilstounside, come to the kirkyard thairof, and
Page 422. preissit to put violent handis on the said James; quhairof being stayit be the force of sum gentilmen that opponit thameselffis in the menetyme, the said Archibald maist vylelie injurit and revelit not onlie the said James, bot sindrie utheris ministeris of Godis word, threatning and boisting, with maist horrible blasphemie of Godis name, that he sould have thair hert blude, gif they brocht not hame agane thair messe preist, Sir Stevin Wilsoun,—quha, being thir mony yeiris rebell and put to the horne for continewall dissobeydience in his weikit and dampnabill abusing of the sacramentis, saying of messe, and making and desolving of mariagis at his plesour, wes be his Hienes commissioun laid handis upoun, and is still detenit in prissoun till he may be tryit be ane lauchfull and condignne assyis. Quhilk injurie, togidder with intollerabill railling aganis the trew religioun and all professouris thairof, the said James patientlie sufferrit of the said Archibald in the paroche kirk and kirkyard foirsaid the first and sivnt of Februar instant, alwyis in danger of his life, quhairon then doutles he wes myndit to have disponit gif God had not movit the hartis of sum gude men to oppone thame to his furious reage. Last of all, the xiiii day of this instant, the said Archibald brocht with him into the kirkyard tua or thre pyperis, and thairby drew ane gret nowmer of the people to danse befoir the kirk dur in tyme of prayaris, he being alwyis ringleidar himself; and thaireftir, accumpanyit with sindrie utheris, armit with steilbonattis, swirdis, and lang wappynnis, come in the hous quhair the said James wes dyning, purpoislie to have slaine him, quhilk certanelie he had done war not certane of the hous held him be the armes; and, being lettin lous be thame under promeis not to offer the said James further injurie at that tyme, he sua struke the said James with ane greine roung on baith the armes that in effect the rest is mutilat thairof, being altogidder unabill to help himself thairwith in ony way. Heirwith, the said James being reteirit to the chalmer of the hous for the sauftie of his life, they waittit continewalie still upoun him till aucht or nyne houris at evin, the said Archibald still Archibald Stewart denounced rebel for non-appearance to answer a charge of assault and riot.

drinking in the hall and the rest of his complices about the hous, that the said James sould not eschaip be ony bak dur, sua that doutles that nycht they had disponit upoun his life, war not tua gentilmen, heiring of the mater, come to the hous and convoyit him secreitlie to Glasgw, the said Archibald and his adherentis being still laid for the said James be the way. Be the quhilk violence and presumptioun the haill cuntrie about is sua far disorderit, and brokin and godles men thairabout sa far encouragit to all sic kynd of insolence, that na minister salbe abill, without extreme danger of his life, to walk in his calling and professioun in that cuntrie, to the gret hinder of the preicheing of Godis word and ane undoutit sclander to the godlie thairabout, except his Hienes and the Lordis of Secreit Counsale mak the said Archibald ane exampill of terrour to ane gret nowmer of that cuntrie that will not failyie to attempt dalie the like insolence aganis the ministrie gif this remaine in him unpuneist." Parties having been cited, and the complainer appearing by Mr Andro Hay, his procurator, but the said Archibald Stewart not appearing, the order is to denounce him rebel. Acta 1579-

Stirling Castle, 5th March.

Sederunt—Domini ut in die predicto. Page 423.

Complaint concerning fraudulent abstraction of rents and profits of the College of Glasgow.

"Anent the complaint maid to our Soverane Lord and Lordis of his Majesteis Privie Counsale be the Principale and Maisteris of his Hienes College of Glasgw, makand mentioun, that quhair they have, of his Majesteis gift and fundatioun, divers landis, teindis, annuelrentis, houssis, and yairdis, quhilkis sumtyme pertenit to the Blak Freiris of Glasgow, to the prebendareis of the choir of the metropolitane kirk and new kirk of Glasgw, and utheris chaiplenreis, quhairof sindrie of the present possessouris ar yit levand, and, in manifest defraud of the saidis Principall and Maisteris and his Hienes said College, hes maid and dalie makis fewis, takis, dischairgis, and utheris dispositionis of the rentis, maillis, fermes, proffeittis, and dewiteis of the saidis landis, teindis, annuel rentis, houssis, and yairdis, with antedaittis, in diminution of the yeirlie rentis thairof, and to the manifest hurt and prejudice of his Hienes fundatioun, quhairby baith his Majestie and the Principall and Maisteris salbe frustrat of that rent quhairwith his Hienes hes appointit the said College and Memberis thairof to be sustenit and intertenyit,—to the ewill exampill of utheris to mak sic fraudfall dispositionis, gif tymous remeid be not providit, like as at mair lenth is contenit in the said complaint: Quhilk being hard and considderit, the Kingis Majestie, with avise of the Lordis of Secreit Counsale, ordanis the said Principall and Maisteris of the said College to call and persew for productioun befoir the Lordis of Counsale and Sessioun of the saidis fewis, takis, and utheris dispositionis, maid and to be maid, of quhatsumevir landis, teindis, annuelrentis, houssis, yairdis, or utheris commoditeis, dotit and foundit be his Hienes to the said College, to the effect it may be knawin for quhat yeirlie rent and dewitie they clame the same, and quhither thair pretendit

Acta 1579–81. titillis may be vailliabill and sufficient to alter the stait of the antient rentall or not eftir the deceis of the present possessouris, and sic ordour taikin thairwith as appertenis; and in the menetyme ordanis our Soverane Lordis thesaurar and utheris compositouris of the fewis, and the keiparis of the registeris and seillis, on nawyis to pas ony confirmatioun upoun ony of the saidis fewis, takis, or utheris dispositionis, maid or to be maid, of the landis and utheris abonewritten, quhill the same be first producit befoir the saidis Lordis of Counsale and Sessioun as said is, and the saidis Principall and Maisteris callit to that effect, to se quhither the setting be within the just availl and to the hurt and prejudice of the said College or not, as they will answer to our Soverane Lord thairupoun."

Caution in 20,000 merks by Johnne Forbes of Brux and Williame Forbes of Barnis for Johnne, Master of Forbes, Mr Arthour Forbes, brother of the Laird of Cors, James Forbes of Barnis, Gilbert Forbes, Arthour Forbes of Carncullie, Williame Forbes, his brother, and Williame Forbes of Fingathe, that they keep ward "besouth the wattir of Tay" till set free. David Moysie, notary, subscribes the band for Williame Forbes of Barnis, "becaus I cannot write" [see *ante*, p. 262]. Stirling Castle, 7th March. Caution for the Forbeses.

Page 424. *Sederunt*—Colinus, Comes Ergadie; Willelmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanctcolme; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Commendatarius de Culros; Prepositus de Dunde; Computorum Rotulator; Clericus Registri; Advocatus. Stirling Castle, 6th April.

Complaint by Margaret Stewart, Mistress of Uchiltrie, relict of Andro, Master of Uchiltrie, as follows:—Though she has possessed for a long time the lands of Portkerok and Quhithillis, and the lands, tower, and fortalice of Crugiltoun, granted to her by a decree obtained against Mr Johnne Dowglas, chamberlain of Quhitherne [see *ante*, pp. 89, 144], yet Robert, Commendator of Quhitherne, and Alexander Stewart of Garleis, elder, Mr Robert Stewart, chamberlain of Quhitherne, Anthone Stewart and Robert Stewart, sons of the said Laird of Garleis, Johnne Stewart, parson of Kirkmaho, Alexander M°Ghie of Straord, Johnne M°Ghie, servant of the said Anthone Stewart, Williame Maxwall, Henrie Mathesoun, and Alexander Galbraith, servants of the said Commendator, Alexander Halthorne in Poltoun, Gilbert Martene there, and Johnne Bell, smith, in Crugiltoun, with others their complices, at the instigation of the said Commendator, in December last, "bodin in weirlyke and hostile maner, come under silence of nycht to the said place and fortalice of Crugiltoun, and dernit thameselffis quietlie in the laich houssis, and on the morne, at the yettis oppaning, entirit perforce within the said hous, tuke and removed hir servandis furth thairof, and as yit not onlie detenis and withhauldis the same, debarring hir and hir servandis alluterlie fra the Complaint of the Mistress of Ochiltree against the Commendator of Whitherne and others.

possessioun thairof, bot als hes intromettit with the haill cornis being in hir barnyard, that nather may ony meit be had to hir cattell, quhilkis ar [in] point of tinsell." Also the said Commendator has, "aganis all ordour of law, entirit his pleuch in the ground of the saidis landis, and teillit the samin, tending, be sic way of deid, force, and oppin oppressioun, to eject and debar the said Margaret thairfra, as gif thair war na King, ordour of law, nor justice within this realme." Farther, upoun the 18th of January last, the same persons attacked her servants "gangand at hir pleuch upoun the saidis landis of Crugiltoun, and brak the samin pleuch, chaist the haill guidis away, and brak the haill pleuch irnis, and tuke thame away with thame," the Commendator avowing at the same time that he had intromitted with the whole corns which grew upoun the mains of Crugiltoun, and that he would stop her intromission with the same "at the uttermest of his power."—The persons complained against having been lawfully summoned to answer for the crimes laid to their charge, and the Mistress of Uchiltrie appearing by Mr James Herring, her procurator, and the Commendator and his accomplices by Mr Johnne Prestoun, the Lords remit the matter to the Lords of Council and Session, "requiring thame to proceid and do justice thairin summarlie, without dyett, tabill, or biding the ordour of calling be ony roll." Acta 1579-81. Page 425.

Patrick, Master of Gray, denounced for not presenting two culprits.

Order to denounce Patrik, Master of Gray, Sheriff of Forfarshire, for not having presented before the Council, in conformity with the charge given him, James Gray, son of Patrik, Lord Gray, and Ogilwie of Kynnordie, who, "usurpand upoun thame his Majesteis authorite, convocat his Hienes liegis in weirlike maner, and upoun the day of Februar last bipast circuit the hous of the Reidcastell, assaigit and persewit the same be all weirlike ingyne, for wynning and recoverie thairof, and slauchtir of sindrie his liegis being thairintill" [see *ante*, pp. 125, 155, 189, 211, 218, 230].

Registration of caution for Andrew Hering and James Futhie.

Registration by James Curll, as procurator for Adame Gordoun of Auchindoun, of a band by which the said Adame becomes cautioner in £1000 for Andro Herring and James Futhie, that they shall behave in time coming as dutiful and loyal subjects, and appear before the Privy Council when warned. The band is subscribed at Bog of Geycht, February 9, 1579, before Johnne Hammiltoun, Alexander Hering, George Gordoun of Kindrocht, James Curll, and William Abircrumbie, notary, as witnesses. Page 426.

Holyrood-house, 9th April.

Caution for Lady Innermeath.

Caution by David Gardin of that Ilk for Lady Innermeith, intromitter with the fruits of Reidcastell, Innerkellour, and Innermeith, during 1580, that she will make the same forthcoming at the end of her action of divorce against James Gray, "to all partiis havand interes thairto:" James, Lord Innermeith, undertaking to relieve the cautioner. Page 427.

Acta 1579-81.

Sederunt—Domini ut in die predicto.

Stirling Castle, 10th April.

Order for enforcing the Acts of Parliament requiring public confession of the Reformed Religion, observance of Sunday, etc.; with special order for a district Fast.

"The Kingis Majestie and Lordis of Secreit Counsale understanding that, notwithstanding the Actis of Parliament maid anent the publict and universale professioun of the trew religioun to be maid be all the inhabitantis of this realme and liegis thairof without exceptioun [1572, c. 2, 4, iii. 71, 72], and that na marcattis nor fairis sould be haldin upoun the Sondayis appointit for heiring of Godis Word and godlie exercises [1579, c. 8, iii. 138], yit thair ar within the boundis of the diocie or province of Louthiane sindrie personis of divers estaittis that as yit hes not onlie gevin [no?] confessioun of thair faith, bot alsua ar mantineris and professouris of papistrie and opinioun contrary to the said trew religioun reformit and publictlie profest within this realme, and siclyke divers fairis and marcattis ar haldin and mantenit within the boundis foirsâidis upoun Sondayis appointit for the service of God, quhairby the people, especialie to landwart, ar drawin fra thair awin paroche kirkis, and resortis to na uther, and sa ar becum neglectaris and contempnaris of all religioun, quhilk may turne finalie to ane athesme amangis thame gif spedie remeid be not providit: Quhairfoir his Majestie, with avise of the Lordis of Secreit Counsale, ordanis letters to be direct, chargeing all and sindrie personis resorting and remaning within this realme in generall, and in speciall as they salbe requirit, to gif the publict confessioun of thair faith within the tyme prescrivit in the Act of Parliament, under the panis contenit in the same; and lykwis chargeing all and sindrie personis, baith in burgh and land, in generall and speciall, as neid sall require, that nane of thame tak upoun hand to hald ony marcattis or fairis or resort thairunto upon the Sondayis, under the pane of confiscatioun of the guidis and geir that salbe brocht thairunto, and that notwithstanding ony pretendit dispensatioun, licence, or privie letters, purchest or to be purchest in the contrair, at the instance of ony persoun or personis; quhilkis our Soverane Lord annullis, revoikis, and dischairgis be thir presentis, ordaning thame to have na strenth, force, effect, nor executioun in tyme cuming. Attour, becaus it hes bene thocht expedient, for divers gret and ressonable caussis, in the Synodoll Assemblie haldin at Edinburgh the fift day of this instant moneth of Aprile, that ane publict fast and humiliatioun sould be maid within the boundis of Louthiane and jurisdictioun belanging to the Commissaris of the provinces thairof, and of the Mers,—quhairunto our Soverane Lord hes interponit, and be thir presentis interponis his authoritie thairto,—that thairfoir publicatioun be maid thairof be oppin proclamatioun at all places neidfull, dischargeing all and sindrie his Majesteis liegis of using of Robene Hude and uther vane and unlesum gammis in the said moneth, and specialie upoun the Sabboith dayis thairof, under the panis contenit in the Actis of Parliament maid thairanent: certifeing thame, and they failyie, the panis contenit in the saidis Actis salbe execute upoun thame with all rigour and extremitie."

Stirling Castle, 11th April.

Sederunt—Domini ut in die predicto. Acta 1579-81 Page 428.

John Hume of Crumstane and his sons denounced rebels for non-appearance to answer a complaint.

Complaint by Williame Livingstoun of Kilsyth, as follows:—He "hes bene trublit" in the possession of his lands and barony of Leidbra by Johnne Hume of Crumstane and his sons, "be the space of tuelf yeiris bipast or thairby." More particularly, upon the 24th of February last, Johnne and Alexander, sons of the said Laird of Crumstane, came to the "ground of the saidis landis, quhair the said Williames pleuch wes gangand, and turnit doun the land quhilk wes alreddy teillit, and tuke the same pleuch away with thame." Afterwards, they came to the "toun of Dernchester," where they assaulted one of his men, called Bartilmo Wolf, "with mony bauch straikis; like as at the same tyme they boistit and menassit Robert Stewart, and certane utheris, his tennentis and lauboraris of the ground, and declairit that they suld cut thair hochis, and they manurit ony part of the saids landis thaireftir."—The persons accused, though summoned to answer the complaint, have failed to appear, and are accordingly denounced rebels.

Petition of Lady Innermeath granted.

Upon the supplication of Lady Innermeith, the Lords of Privy Council grant to her the intromission with the place of Reidcastell, and with the terce and conjunct fee lands of Innerkelour and Innermeith, during the dependence of the action of divorce pursued by her against James Gray, she finding caution to make the same forthcoming at the end of the action to all parties having interest [see *ante*, p. 276]. Page 429.

Edinburgh, 22nd April.

Sederunt—Domini ut in die predicto.

Liberation of the Master of Forbes and other Forbeses.

In respect of "the submissioun maid and aggreit upoun betuixt Johnne, Maister of Forbes, and certane his friendis and parttakaris on the ane part anent materis questionabill betuix thame," they are relieved from their present ward on this side of the water of Tay, and allowed to go home [see *ante*, p. 275].

Submission promised by the Gordons and the Forbeses in the matter of their feud.

Johnne, Master of Forbes, on the one part, and Adame Gordoun of Auchindoun, on the other part, undertake to return to the Council by 31st May next the submission subscribed by their special friends; and Gordoun of Auchindoun promises to return the same submission, subscribed by George, Earl of Huntlie (who is at present furth of the realm), by 31st July next: "quhairthrow the nobilmen chosin be baith the parteis may proceid thaireftir to the ordouring of the materis questionabill, conforme to the tennour of the said submissioun" [see *ante*, p. 261].

Stirling Castle, 23rd April.

Sederunt—Domini ut in die predicto. Page 430.

Recitation of the steps taken by the King and Council to put an end to "the deidlie feidis, quarrellis, and contraversiis standing betuix his

Acta 1579–81. Hienes subjectis of the surnames of Gordoun and Forbes, moved throw the divers slauchteris, bludsched, and utheris displesouris happanit amangis thame." There had been success so far that, in conformity with the previous order of Council on the subject, of date January 30, 1579 [*ante*, p. 261], "certane of the principallis, the maist honest and discreit personis of baith the saidis names, thair freindis and parttakaris," had "consentit assuirance to be taikin and stand amangis thame quhill the first day of August nixt to cum," and had been heard meanwhile in presence of the King and Council at a special meeting in Edinburgh. The whole matter, accordingly, now stands thus:—"It is thocht expedient, aggreit, and condiscendit, as followis—That is to say, ane nobill and michtie Lord, George, Erll of Huntlie, Lord Gordoun and Badyenoch, with expres consent and assent of Johnne Gordoun of Lochinvar, Adame Gordoun of Auchindoun, and Patrik Gordoun, his broder, curatouris to the said Erll, for thair interes, Alexander, Erll of Sutherland, the said Johnne Gordoun of Lochinvar, and Adame Gordoun of Auchindoun, for thameselffis, Johnne Gordoun of Cluny, Alexander Gordoun of Abiryeldie, Johnne Gordoun of Pitlurg, George Gordoun of Leismoir, James Gordoun of Haddo, Johnne Gordoun of Carnfechill, Williame Gordoun of Ardmanchar, his sone, James Creychtoun of Frendraucht, Andro Meldrum of Drumbrek, Williame Seytoun of Meldrum, David Betoun of Melgund, Williame Gordoun of Auchindoir, Johnne Gordoun of Carnburrow, Mr Williame Gordoun of Dalpersie, George Gordoun of Creichie, Johnne Gordoun of Newtoun, and Johnne Gordoun of Bukkie, for thameselffis and takand the burding upoun thame for the haill kin, freindis, servandis, and parttakaris of the said Erll of Huntlie, on the ane part; and ane nobill Lord, Williame, Lord Forbes, Johnne, Maister of Forbes, Alexander Forbes of Petslego, Williame Forbes of Tolquhone, Johnne Forbes of Tolleis, Johnne Forbes of Brux, James Forbes of Corsinday, Mr Doncane Forbes of Monymusk, Johnne Forbes, fear of Echt, Williame Forbes of Cors, Williame Forbes of Barnis, Alexander Forbes of Thanistoun, William Forbes of Tulligowny, Williame Forbes of Logyfintray, James Forbes of Lathintie, George Johnnstoun of Caskyben, Alexander Banerman of Wattertoun, Johnne Calder of Aslowane, Alexander Skene of that Ilk, and Johnne Lummisden of Cushny,[1] for thameselffis and takand the burding upoun thame for the haill kin, freindis, servandis, and parttakaris of the said Lord Forbes, on the uther part,—hes submittit, and be the tennour heirof submittis, thair haill quarrellis, deidlie feidis, and caussis debaittabill, alsweill criminale as civile, that hes fallin out and happanit betuix thame sen the first day of September the yeir of God j^{m}v^{c}lxxii yeiris, to the nobill and michtie Lordis and utheris of our Soverane Lordis Privie Counsale underwrittin. They ar to say, for the part of the said Erll of Huntlie, his name, freindis, and parttakaris, Coline, Erll of Ergile, Lord Campbell and Lorne, chancellar and justice-general of Scotland,

Farther proceedings in the matter of the feud between the Gordons and the Forbeses.

[1] Compare the list of names on both sides with that in the previous order of January 30, 1579 (*ante*, p. 261). There are additions.

Johnne, Erll of Montrois, Lord Grahame, Johnne, Lord Hereis, Robert, Commendatar of Dumfermling, secretar to our Soverane Lord, Mark, Commendatar of Newbottill, and Alexander Hay, Clerk of Register; and, for the part of the said Lord and Master of Forbes, thair name, freindis, and parttakaris, James, Erll of Mortoun, Lord Dalkeith, gret admirall of Scotland, Patrik, Lord Lyndesay of the Byiris, Andro, Lord Stewart of Uchiltre, Allane, Lord Cathcart, David, Commendatar of Dryburgh, and Mr James Halieburtoun, Commendatar of Pittinweme,—or ony five, four, or thre of the saidis nobill Lordis and Counsallouris abonespecifiit for ayther of the saidis pairteis: quhilkis in equale nowmer sall convene, heir, and determinat the saidis debaittable caussis, deidlie feidis, and contraverseis in the Kingis Majesteis presence, quhair his Hienes sal happin to be for the tyme, upoun the tent day of August nixt to cum, and sic day or dayis thaireftir as his Hienes and the saidis Lordis and utheris of his Counsale convening to this effect sall appoint, sa that alwayis thair sentence, decreit arbitrale, and deliverance be pronuncit betuix and the first day of November thaireftir. And, to the effect that the same may be the bettir performit, baith the parteis sall deliver thair clames aganis utheris to the clerk of Secreit Counsale upoun the first day of Julii nixt to cum; quhilkis being interchangeabillie deliverit agane to the parteis, thay sall mak and deliver thair answer *hinc inde* to the said Clerk upoun the first day of August thaireftir; and quhatevir the saidis judges, arbitratouris, and amicabill compositouris, in ane voce, or the maist part of thame being convenit in equale nowmer in his Majesteis presence as said is, pronuncis, decreittis, and deliveris in the premissis amicabillie, baith the saidis parteis, for thameselffis and takand the burding upoun thame as said is, sall abyde, underly, observe, and fulfill the same to utheris, but appellatioun, reclamatioun, or contradictioun quhatsumevir. And, in cais ony variance result upoun the premissis quhairthrow the saidis arbitratouris sall not happin to appoint and aggrie amangis thameselffis, than sall they report in presence of his Majestie the mater and point quhairin the variance standis, and they, being of equale nowmer on ayther syde, sall alsua in his Majesteis presence, and with his advise, nominat and cheis sic utheris of his Hienes Counsale as salbe thocht meatest as owirismen and odmen for finall decisioun of the saidis debaittabill feidis and contraverseis. Attour, baith the saidis parteis, for thameselffis and takand the burding upoun thame as said is, hes assuirit, and be thir presentis specialie and expreslie assuiris, utheris to be unhurt, unharmit, unmolestit, trublit, invaidit, or in onywayis persewit in the law or by the law for quhatsumevir caus, quarrell, or occasioun bigane, preceiding the dait heirof, unto the first day of December nixt to cum, promittand to observe and caus be observit and keipit this assuirance unviolat in ony point, under the pane of perjurie, infamy, and tinsell of perpetuall credeit, honour, and estimatioun in tyme cuming." Finally, both parties agree to the registration of this submission in the books of Privy Council.

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Acta 1579–81.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dunfermling; Commendatarius de Newbottill; Commendatarius de Sanctcolme; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Commendatarius de Culros; Commendatarius de Pittinweme; Clericus Justiciarie; Clericus Registri; Computorum Rotulator. Stirling Castle, 28th April.

Page 432. "Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secreit Counsale be Johnne, Erll of Mar, Lord Erskin, makand mentioun that, quhair his guidsire, his fader, and himself, hes faithfullie servit his Hienes and his progenitouris thir mony yeiris bigane, without spot or reproche, thankit be God, and, albeit of lait tyme, specialie sen his Hienes acceptatioun of the governament of his realme, the said Erll and his freindis attending with him upoun his Majestie hes bene burdynnit and blamit as the persuaderis of his Hienes in sindrie thingis quhairwith sum of the nobilitie and people hes appeirit to be offendit, specialie tuicheing his Majesteis removing and residence, yit trew it is, and his Hienes can and will testifie, that they have nevir persuadit nor preissit his Majestie to this hour beside his awin gudewill, bot hes alwyis besocht him, as they now do, alsweill in his residence and removing as in all the uther wechtie and honorabill caussis of his estait, to follow the gude advise of his Counsale (quhilkis ar now convenit in ressonabill nowmer), and that is the chief requist and humyll petitioun of the said Erll and his freindis, sen utherwise it mycht be thocht they had ewill deservit of his Hienes and wer not in his Hienes gude grace and favour gif he depairtit privatlie frome this or ony uther place without gude deliberatioun and ressonabill cumpany: for his Hienes passing first to the feildis, his removing to Edinburgh, and returning frome Edinburgh hither, wes be advise of his Counsale, and na instigatioun of the said Erll or his; to quhilk his Hienes removing they wer nevir contrarious, nor yit wer they the persuaderis of the stay of the convening of his Counsale at the fourt day of Aprile instant; nor yit now will presume singularlie to gif him advise ayther to tarie heir or remove, bot will maist humilie offer to attend upoun his Hienes service, heir or quhairsoevir ellis he and his Counsale sall think convenient that he repair, and alwayis to obey his Majesteis gude plesour and commandiment in tarying with him or remaning absent quhill his Majestie call thame agane unto him, or that thair honest caussis sall gif thame occasioun to repair unto his Hienes, quhair they fermlie confide to ressave sic favour in all thair ressonabill petitionis as ony his Majesteis subjectis of thair qualitie, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being red in the audience of his Majestie and Lordis of his Secreit Counsale, his Hienes declairis and testifiis, in the faith and word of a king, that he hes nawayis bene persuadit be the said Erll of Mar, his kynnismen or freindis

Supplication of the Earl of Mar: King's testimony in his favour "on the faith and word of a king;" and declaration of the Council accordingly.

attending with him on his Hienes service, in ony thingis concerning his Majesteis persoun or estait quhairwith his nobilitie and people hes had ony just occasioun to be offendit, specialie tuicheing his removing and residence in Striviling or ellisquhair, bot hes alwayis forborne privatlie to counsale or persuade his Majestie in that or ony uther mater of importance concerning his Hienes persoun and estait, bot besocht him, at all tymes quhen ony sic occasioun occurrit, to inquire and seik the advise of his Majesteis Counsale; and, according to his Majesteis declaratioun and attestatioun, the Lordis of his Privie Counsale affermit that they understude na utherwise, and acceptit and allowed of the said declaratioun of the said Erll of Mar for himself and in name of his freindis, and thairupoun ordanit Act of Counsale to be maid, for the bettir verificatioun heirof in tyme cuming." Acta 1579–81.

Supplication of the Earl of Morton to the King in the matter of rumours to the discredit of his loyalty: King's assurance of his continued confidence in the Earl; and proceedings ordered in consequence.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secreit Counsale be James, Erll of Mortoun, Lord Dalkeith, makand mentioun that quhair, befoir his Hienes last depairtit from Edinburgh, it wes commounlie brutit and spokin to his Majesteis selff that his persoun sould have bene surprysit,—a deid maist treasonable and worthie of punischement gif it wes trew, or then a dangerous and seditious report to put his Hienes in suspitioun of his faithfull subjectis and approvit weilwillaris; quhilk mater being proponit to his Majestie, it wes then thocht gude and spokin that tryell sould be taikin be the reportaris quha sould have bene the interprysaris of the fact, that thairupoun they, being callit, accusit, and fund giltie, mycht ressave the dew punischement of thair deserving, or utherwayis the tailtellaris to have declairit thair ground and the authour of thair report, the same being of sic wecht as greit inconvenientis may follow gif it be sufferrit to ly in suspens or to pas owir untryit; for thairby outher the culpable personis, gif ony be, sall eschaip punischement, to his Hienes further danger, or then, be untreuthis and the like seditious reportis heireftir, his Majestie salbe still haldin thochtfull and ocupiit, to his awin greit unquietnes and the heich perreill of his estait and haill realme: quhairfoir, as his Majesteis borne subject, and ane of his nobilitie and counsale that hes panefullie spent ane gude space of his aige in his Hienes service in place of traist and authoritie, and hes the honoure to be his Majesteis kynnisman: maist humilie beseiking his Hienes that the mater may be put to sic tryall, and sercheing the perfyte knawlege of the verray ground thairof, that other the offendouris, gif ony be, may be punischit as caus worthie salbe found, or that the reportaris acknawlegit according to thair deserving, for staying of sic lyis as may be spred heireftir, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being red in the audience of his Hienes and his said Secreit Counsale, and his Majestie maist humilie and ernistlie requirit to put the said report to dew tryell, his Hienes, eftir gude advise and deliberatioun, declairit and schew, in presence of his said Counsale, that quhatevir hes bene brutit and cum to his Majesteis earis of the report Page 433.

Acta 1579-81. befoir mentionat wes without ony certane ground or authour, bot, as be gude pruif appeiris, inventit and forgit of malice, to ingener discord betwix his Majestie, his nobilitie, faithfull subjectis and weilwillaris; and thairfoir acknawlegis the said Erll of Mortoun as his kynnisman, faithfull counsallour, and weilwillar, and the inventaris and spredderis of the said seditious brute and untrew report as learis and forgearis of untreuth, to the perrell and inquieting of his Hienes persoun and estait. And, for the bettir remeid and eschewing of the inconvenientis quhilkis the like leyis and untreuthis may produce in tyme cuming, his Majestie, be advise of the Lordis of his Privie Counsale, ordanis letters to be direct to mak publicatioun of the premissis, and of the lawis and Actis of Parliament maid be his Hienes maist nobill progenitouris anent lesing-makerris, tailtellaris of thame, to ingener discord betuix the King and his people, that nane pretend ignorance of the same [1424 c. 2 ii. 8; 1457 c. 37 ii. 52; 1540 c. 18 ii. 360]; certifeing thame that contravenis the saidis lawis and Actis in tyme cuming they sall tyne life and guidis to the King, as the dew punischement appointit thairfoir. And, for the mair suir tryall of the restles and malicious spreittis that sal happin to mak ony sic leyis or untrew reportis heireftir, and that his Hienes may be the bettir fred and relevit from the quhispering and calumpnies of thame that wald abuse his Hienes eare be misreportis that they dar not avow, his Hienes hes promittit and promeissis, in the faith and word of a king, that quhatsoevir privie reportis salbe maid to his Majestie in tyme cuming that may import seditioun or discord betuix his Hienes, his nobilitie, and people, he sall require the reportaris quhither they will avow or abyde be the same as a treuth or not; and, gif they sa will, then his Majestie sall indilaitlie put the mater to tryell, for the punischement of sic as salbe fund to deserve the same; or, gif the reportar refuissis to avow and abyde be the report, his Majestie sall tak and esteme him as a lear and as the forgear of the same report himself, and caus execute the panis contenit in the said Act of Parliament upoun him without favour, in exampill of utheris. And als his Majestie willis and requeistis all his nobilitie and utheris his loving subjectis to use the like ordour in trying of the reportis that salbe maid to ony of thame of uther, quhairthrow leyaris may be restranit frome reporting of untreuthis, and that thairby the gretar quietnes may be in the realme."

Order for a new gold coin, to be called the Scots ducat, with orders about gold coins generally.

By Act of Parliament a penny of gold had been struck of 21 carats, called the Scots crown, having course for 40s. Scots, and "contenand
Page 434. ten in the unce" [1579, c. 31, iii. 150]. But, upon "inspectioun and consideratioun being had of the forme and fassioun of the said pece," it is ordained that a penny of gold be coined of the said fineness, containing f[ive] in the ounce, having currency at £4 Scots, and to be called the Scots ducat, with the circumscription on the one side, *Jacobus* 6 *Dei gratia Rex Scotorum*, and on the other side the King's arms crowned, with the circumscription, *Exurgat Deus et dissipentur inimici ejus.*

Proclamation is to be made at the market crosses, charging the lieges to receive the said gold piece "in reddy and thankfull payment, and on na wayis to presume or tak upoun hand to refuis the samyn, upoun quhatsumevir cullour or pretens, under the pane of tressoun." The proclamation is also "to certifie all his Majesteis lieges of the prices of gold to be brocht in to his Majesteis cunyehous,—that is to say, the unce of uther fyne gold to be bocht for xxi pundis money, and all uther gold of quhatsumevir fynes to be aggreabill in price according to the fynes, the inlaik of courser gold nor is appointit to be cunyeit being modifiit; and that it salbe lesum to all his Majesteis subjectis to inbring to our Soverane Lordis cunyehous and deliver to his Hienes master cunyeour all sortis of gold, ayther in plat work or cunyie, upoun the prices abonespecifiit." The order requires "the generall, master cunyeour, wardanis, assayar, sinker, meltaris, forgearis, and prentaris of the cunyehous," each in his own department, "to do thair diligence in melting, forgeing, and prenting of the said pece, as they salbe commandit." Acta 1579–8

Order for preventing farther violations of the Act of Parliament forbidding the private presentation of letters and signatures to his Majesty for his subscription.

Refers to the recent Act of Parliament ordaining that "all signatouris, letters, and missives to be subscrivit be his Majestie sould be first deliverit to his officiar unto quhais charge the same belangis or his deputis, and they to present the same to his Majestie, and nane utheris to presume to urge his Hienes with the subscriving of letters not being first sene be his counsale or ordinar officiaris" [1579, c. 32, iii. 150, 151: *see* also Reg. Pr. Coun. vol. ii. p. 692]. This Act "begynnes alreddy to be greitlie violat throw the presumptioun and inoportunitie of divers personis," so that sundry matters are again falling into disorder;—"sumtyme his Hienes awin subscriptioun being first socht without advise of his Counsale or ordinar officiar; sumtyme the subscriptionis of tua of the Counsale privilie purchest, the Counsale not sittand in that nowmer quhilk the said Act of Parliament appointis; sumtymes the signaturis past the sealis at the desire of his Majesteis letters privilie purchest; sumtymes his Majesteis missives bearing harder termes than is meit to be usit be his Majestie in his privie requeistis to ony his subjectis." For the remedy of all this "our Soverane Lord, with avise of the Lordis of his Privie Counsale, ordanis and commandis his Hienes thesaurar, comptrollar, generall collectour, and secretar, to attend diligentlie upoun that quhilk propirlie belangis to everie ane of thair awin offices, be thame selffis or thair sufficient deputis, for quhome they salbe haldin to answer; and als expreslie inhibits all utheris his Hienes liegis that nane of thame tak upoun hand to offer or present unto his Majestie ony maner of signaturis, letters, or missives, to be subscrivit, under the pain of incurring his Hienes displesour and indignatioun, and that the same signaturis, letters, or missives, salbe invalide in thameselffis, as privilie and surreptiouslie purchest aganis his Hienes will and mynd; and, in cais it sal happin ony of his Hienes subjectis to do in the contrary, inhibitis the keiparis of his Hienes caschett, his signet, privie and gret selis, to answer the Page 435.

cta 1579-81. same to ony sic letters, notwithstanding ony privie charge or commandiment purchest or to be purchest of his Hienes to the prejudice of this his advisit will and directioun, as they will answer at thair heichest charge and perrell, and under the pane of deprivatioun of thame fra thair offices." It is also provided that, if any signatures, letters, or missives thus surreptitiously obtained or irregularly passed, shall be presented to his Majesty's officers, or to parties interested, or to any of the judges, it shall be lawful to refuse the same; and the Lords of Session are requested, and all other judges are commanded, to abstain from all proceeding on such letters, signatures, or missives, until they are certified to the contrary, and have proper official authority.

Stirling Castle, 29th April.

Order against gratis gifts out of Crown rents for three years.

Page 488. The Act of Council of 14th April 1578, forbidding, on account of the pressure on the ordinary revenue of the Crown, gifts of casualties and
Page 489. other feudal dues [vol. ii. p. 683], has not had sufficient effect,—"the casualiteis that wer restrenit undisponit gratis being componit for sowmes, and thaireftir the same dischairgit and gevin frie be preceptis; quhairthrow the like or gretar necessitie remanis with his Majestie as afoir, and the occasioun of his chairgis and expenssis yit continewis, and rathest aucht to be suppliit and borne be his awin rentis." It is therefore ordered "that na giftis nor dispositionis of the propertie, casualitie, collectorie, and utheris rentis, pertening to our Soverane Lord, salbe disponit gratis, nor the compositioun thairof dischairgit, nor yit gevin furth in pensioun or feall upoun ony cullour or pretens, saulffing the ordinar feis and wageis of the officiaris of the estait and of his Hienes hous, as the samin salbe appointit be his Majestie, with avise of his Counsale, during the space of thre yeiris nixt to cum. Attour, the saidis Lordis promissis not to sute nor procuir the dirogatioun or violatioun of the said Act be ony meanis, direct or indirect, to the hinderance of his Majesteis commoditie during the space foirsaid, as they will answer upoun thair alledgeance to his Majestie, upoun thair honouris and dewiteis."

Stirling Castle, 30th April.

Page 435. *Sederunt*—Colinus, Comes Ergadie, Cancellarius; Andreas, Comes Rothes; Robertus, Dominus Boyd; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Cambuskynneth; Commendatarius de Dryburgh; Commendatarius de Pittinweme; Commendatarius de Culros; Clericus Registri.

King's discharge of the obligation of 4000 merks for the abbacy of Paisley.

Royal remission and discharge to Alexander, Master of Elphingstoun, James Seytoun of Tullibody, and Johnne Reid of Aikinheid, of the yearly payment of the 4000 merks which they had become bound to deliver to the King, and Alexander Durhame, provisor of his house, on account of the gift of the abbacy of Paslay to Mr Williame Erskin, chancellor of Glasgow, during his tenure of the same [see *ante*, p. 266].

Stirling Castle, 4th May.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Cambuskynneth; Commendatarius de Pittinweme; Computorum Rotulator; Clericus Registri. Acta 1579–8 Page 436.

Order against applications to his Majesty for grants of the offices and benefices of living persons.

"Forsameikle as, amangis the mony abuses and gret enormiteis practizit in this trubilsum tyme of our Soverane Lordis young aige, sum moved of ambitioun and avarice ceissis not impudentlie sa fer to abuse his Majesteis gentill and liberall natur as to urge his Hienes inoportune with the grant and promises of the leavingis, offices and benefices, of levand men, his Majesteis faithfull servandis and gude subjectis, uncallit or convict of ony cryme, and obtenis letters, giftis, and signatouris thairupoun subscrivit be his Majestie privatlie, aganis the ordour and resolutioun of him and his Thre Estaittis in Parliament, drawand thairby not onlie his Hienes princelie word in dout, and the establisched ordour in confusioun and incertantie, bot als, be sic dealing, the lyvis of his Hienes faithful subjectis and servandis, now possessouris of sic leavingis, offices, and benefices ar exponit in pray and hazard to satisfie thair unsatiabill desyris, that will mak na conscience for obtening of the leaving to seik the life,—a maist dangerous custume and preparative in this his Hienes estait, gif his Majestie suffer it to tak further place: For stancheing quhairof, it is statute and ordanit be his Majestie, with avise of the Lordis of his Privie Counsale, that nane of his Hienes subjectis presume to urge his Hienes, directlie nor indirectlie, with the grant or promeis of the leaving, office, or benefice of ony levand man or woman, his Hienes faithfull servandis and gude subjectis, without thair awin consentis, or solist his Majestie to subscrive privilie ony letters, giftis, or signaturis thairupoun, aganis conscience and the ordour appointit in the lait Actis of Parliament; decernand and declairand be thir presentis all sic letters, giftis, or signaturis, gif ony be alreddy purchest or subscrivit of his Majestie, or that sal happin to be sa purchest and subscrivit in tyme cuming, to be purchest inordourlie and surreptiouslie, and thairfoir to be null and of nane availl, force, nor effect, and the purchessouris thairof to be estemit unproffitabill memberis in this commounweill thaireftir; and ordanis this act to be ratifiit and apprevit in the nixt Parliament, and to have full effect and force in the menetyme."

Johnston of that Ilk, present Warden of the West Marches, against Lord Maxwell, late Warden.

Complaint of Johnne Johnnestoun of that Ilk, warden of the West Marches. He "is burdynnit be the Lord Scrope, lord Warden of the opposite Marche, with making deliverie for certane Englische billes fylit be Johnne, Lord Maxwall and Robert Maxwall of Cowhill, his depute, the tyme that he wes warden of the said West Marche." The bills, filed May 11, 1578, were those of Andro Routledge of Salmane, Robert Baxtar of Langholme, Page 437.

Acta 1579-81. "Wedow" Jacksoun of Rotleif, Robert Wait and others of Wolisbie, Edward Routledge of Santermure, Thome Smyth, Williame Thomsoun, and their fellows, Edward Bewlie and Johnne Rausoun, Anthone Hemure of Aspatrie, Thomas Nicolsoun and Margaret Elliswod, Rodger Heggynboddum of Turcosell, Nicolas Swyneburne, Johnne Thrusto, esquire. At that time there were "alsmony and ma Scottis billis fylit" by the said Lord Scrope, for which his Highness's subjects can get no redress. The said English bills are still in the hands of the said Lord Maxwall and his depute, who refuse to deliver them to the present Warden, "that he may knaw quhat personis ar fylit thairin, and may caus redres the same, and consequentlie seik and recover redres of his Hienes subjectis billis fylit at the same tyme." Lord Maxwall, and Maxwall of Cowhill, his depute, had been charged to do as required by the complainer, or else to appear and show cause to the contrary; and now, Lord Maxwall and Johnnestoun appearing personally, and Maxwall of Cowhill by Mr David Maxwall, his procurator, the decree is that the defenders shall deliver to the complainer the English bills filed as said is, and a note of the Scotch bills filed at the same time, under pain of rebellion.

Page 438. Complaint of Johnne Johnnestoun of that Ilk, warden of the West Marches, against Johnne, Lord Maxwall, for "convocatioun of our Soverane Lordis liegis in weirlyke maner," and various acts against Johnnestoun and his friends, "tending to the brek of the assuirances taikin betuix thame." Parties having been called, and both appearing personally, the judgment is that the part of the complaint touching "the brek of the said assuirance on the part of the said Lord Maxwall" shall be admitted to Johnnestoun's probation. The 21st day of May instant is assigned to him for that purpose.

Another complaint of Johnston of that Ilk against Lord Maxwell.

The King and Council considering the "gret and extraordinar chairgis, expenssis, and debtis contractit be his Majesteis officiaris in furnissing of his Hienes and sustening utheris the commoun effairis of the cuntrie," and finding that his Majesty's property and casualties are not able to sustain the same, it is ordained that, "quhill as the saidis superexpenssis be payit, and his Majestie be relevit of the present debt," 600 stone weight of "utter fyne sylvir" shall be "cuinyeit and strikin in half-merk and fourtie-penny pecis, beirand the like forme, circumscriptioun, wecht, and fynes as they ar presentlie currant within this realme."

A quantity of silver to be coined for relief of his Majesty's debts.

Sederunt—Domini ut in die predicto.

Stirling Castle, 5th May.

Representation by Adam, Commendator of Cambuskenneth, collector-general:—Although, by the revocation of pensions and sums granted out of the collectory during his Majesty's minority [*ante*, p. 200 *et passim*], the collectory should "have gottin payment of twentie chalder meill and five hundreth and fiftie merkis money clamit be the Lard of Drum-

Inefficacy of the order for revocation of grants made during the King's minority.

quhassill furth of the said collectorie," yet the Lords of Council and Session have lately decerned the tenants to pay the said 20 chalders to the Laird of Drumquhassill, and have also "remittit to gif decreit upoun the 550 merkis quhill his Majesteis plesour be knawin and his Hienes precept obtenit newlie thairupoun." The order of revocation having thus not taken effect in this or in "sindrie uther dispositionis maid heirtofoir furth of the said collectorie," the petitioner humbly desires instruction on the subject. The Lords, accordingly, decide that all dispositions made of the rents belonging to the collectory, and especially the foresaid victual and money, are comprehended in the said revocation, and must therefore be paid to the collector-general. Acta 1579–8 Page 439.

Caution for Edward Maxwell.

Caution in £100 by Johnne Johnnestoun of that Ilk and Edward Maxwall of Tinwell, for the entry of Edward Maxwall, third brother of the Laird of Portrak before the Council, when warned, to underlie the law for wounding Archibald M^cBrair of Almygill.

Order for renewal of the obligation of mutual assurance between the Earl of Craufurd and Mr Thomas Lyon, Master of Glammis.

The engagement of mutual assurance of November 7, 1579 [*ante*, p. 233], between David, Earl of Craufurd, and Mr Thomas Lyoun or Baldukie, Master of Glammis, having expired on the 1st of May instant, "and na finall resolutioun nor ordour being yit taikin for removing of the grudgis, variance, and contraverseis, standing amangis thame," it is deemed necessary that the assurance be renewed. Accordingly, David Betoun of Melgund, James, Master of Lyndsay, Adame Creychtoun of Ruthvennis, Johnne Lyndesay of Evilyk, and David Lyndsay of Kynettillis, are to become bound that the said Earl or his followers shall not trouble Mr Thomas Lyoun or his men, to the 1st of April next, under pain of £10,000; while Lyon is required to find sufficient sureties that he shall not trouble the Earl to the same date, under the same penalty. Page 440.

Stirling Castle, 7th May. Caution for Lord Maxwell.

Caution in 20,000 merks, by John, Lord Maxwall, as principal, and James Campbell of Arkinglas and Sir Johnne Campbell of Caddell, as sureties, that the said Lord shall appear before the Council upon the 15th of June next and remain with the King till released. The former caution for his entry into ward [*ante*, p. 267] in Blaknes is therefore discharged.

Perth, 4th June.[1]

Sederunt—REGE PRESENTE—Andreas, Comes de Rothes; Joannes, Comes de Montrois; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Sanct Colmis Inche; Computorum Rotulator.

Concession by James Moncreiff to the poor of the Hospital of St Paul.

James Moncreif, patron of the chaplainry of Sanct Paule, is willing that "the puir within the hospitale of Sanct Paule suld intromet with, bruik, and posses, sameikle of the said chaiplenrie for their sustentatioun in tyme cuming as wes dotit thairto of auld."

[1] Note the removal of the Court and Council from Stirling. On the 20th of May the King had begun a circuit or "progress" from Stirling northwards.

cta 1579-81. Similar concession by James Dunnyng, patron of the chaplainry of Sanct Anna, to the poor of the hospital there. Similar concession by James Dunning.

Page 441. *Sederunt*—Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanct Colmis Inche; Computorum Rotulator; Clericus Justiciarie. Perth, 6th June.

The 21st of May last having been assigned to Johnne Johnnestoun of that Ilk "for preving of the brek of ane assuirance on the part of Johnne, Lord Maxwall" [*ante*, p. 287], but there having been "na counsale the samin day nor sindrie dayis thaireftir," the matter is ordered to come before the Privy Council at Sanctandrois. Case of Johnston of that Ilk against Lord Maxwell adjourned.

Sederunt—Joannes, Comes Atholie; Esme, Comes de Lennox;[1] Joannes, Comes de Mar; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittinweme; Computorum Rotulator. Dundee, 9th June.

Notwithstanding the Act requiring James Hammiltoun of Libertoun to "dimolische and cast doun to the ground" the Castle of Draffen [*ante*, pp. 167, 189], "the said place remanis still in the same estait that it wes in at the delivery and ressait thairof be the said James." Letters are directed charging him to obey, under pain of rebellion. Neglect by Hamilton of Liberton of the order to demolish the Castle of Draffen.

Page 442.

Complaint of James Hoppringle, messenger, against Williame Somervile in Warestoun, as follows:—From malice against Hoppringle for executing two years ago letters of arrestment against Somervile, at the instance of Marioun Hoppringle and Robert Cunninghame of Ladyland, her spouse, Somervile had, at Warestoun, upon the 5th of April last, come "behind the said complineris bak or he wes adverteist, and thair maist cruellie and unmercifullie ran at him with ane lance stalf, and wald have run him throw thairwith, wer not that, be the providence of God, for saiftie of his life, he ran under the samin, eftir the said Williame had cryit, 'Is not this Pringle, the messinger, quha arreistit my cornis and guidis?' and, persaving that he be that meanis culd not attene to his weikit and ungodlie interpryis, in the menetyme bendit up ane pistolet alreddy chairgit (quhilkis ar prohibitit and forbiddin be Actis of Parliament to be worne); quha out of dout wald have slayne him thairwith, war not the releif of James Hoppringle, messenger, against William Somervile.

[1] This is the first recorded appearance of the now all-powerful French favourite, Esmé, Lord Aubigny, the new Earl of Lennox, in a sederunt of the Privy Council. He had probably been excluded hitherto in deference to the popular alarm, which had taken the form of rumours that "he was a private legate from the Pope, the Guisians, and the King of France, to work alteration in religion and estate." That obstacle, however, had been removed by his public declaration, both in Edinburgh and at Stirling, of his conversion to Scottish Protestantism.

James Wardlaw, Marioun Wardlaw, spous to the said Williame, and thair servand, quha perforce cuist up his hand quharintintill the said dag wes alreddy bendit to the effect foirsaid. And, the said complinar, for releif [of?] his life, returnand fra the said place towardis Edinburgh, be the space of twa pair of butlenthis, the said Williame come followand and rynnand eftir him agane for performing of his said weikit interpryis, and intendit halilie to fulfill the samin, wer not he wes detenit and haldin by the foirnamit personis. The quhilk crueltie he hes not onlie usit aganis the said complinar for putting of the saidis utheris letters befoir specifiit to dew executioun, bot hes committit the like upoun sindrie utheris his Hienes officiaris of armes in executioun of thair said office at divers tymes of befoir, and slaine, hurt, and woundit divers and sindrie his Hienes liegis being with thame as witnessis in thair cumpanyis, as is notourlie knawin; for the quhilk he hes sufferrit [no?] punischement; and sua nather the said complinar nor na utheris officiaris of armes dar tak upoun hand to put ony letters to executioun aganis him in tyme cuming."—Somervile, duly summoned and called to answer to this complaint under pain of rebellion, having failed to appear, the decree is that he be put to the horn. Acta 1579-8 Page 443.

Order to denounce David Douglas for non-appearance to answer a charge of assault.

Complaint of Mr Johnne Knox, minister at Lauder, as follows:—"Upoun his refusale, half ane yeir syne or thairby, to baptisme ane barne gottin in fornicatioun be David Dowglas in Ugstoun, for the quhilk he refusit to mak publict repentance according to the ordour ressavit in the Kirk, the said David having oft and divers tymes sensyne schoirit the said Mr Johnne with ane ewill turne thairfoir, at lenth, upoun the secund day of this instant, as he wes passand furth the hie way betuix Cowdoun and Dalkeith, the said David sett upoun him with ane drawin quhinzear and maist cruellie hurt him baith in the syde and hand, to the gret effusioun of his blude and appeirand danger of his life."—Parties having been called, the complainer appears by Mr Johnne Craig; but Douglas, not having appeared, is to be denounced rebel.

Jean Hepburn, Lady Wedderburne, against George Hume of Wedderburne.

Complaint and petition of Jehane Hepburne, Lady Wederburne, relict of the late Johnne Hammiltoun of Benestoun, as follows:—"It is not unknawin to his Hienes and Lordis of Secreit Counsale how the said umquhile Johnne, hir husband, wes maist cruellie slayne and murtherit, upoun the xxii day of Januar last bipast, in his awin duelling hous of Polwart, be Hectour Turnbull in Belsis, Patrik Richartsoun, his guid broder, and Dand Turnbull, sone naturall to the said Hectour, and divers utheris the said Hectouris brether, and his assisters, broken men in the cuntrie, quhais names as yit hes not cumin to hir knawlege." Of this abominable murder, or any part or consent in it, "as God knawis, scho is maist innocent;" and, being so, "scho is maist willing to fortifie and assist the tryell thairof to the uttermest of hir power aganis all sic as ar committeris or suspect of the same." Accordingly, "be concurrence with the brether Page 444.

cta 1579–81. sonis, kin, and freindis of the said umquhile Johnne," she has "rasit letters, at hir and thair instances, for calling of the personis giltie thairof to underly the law;" and, in virtue of these letters, "the saidis Hectour Turnbull, Dand Turnbull, and Patrik Richartsoun, ar alreddy denuncit rebellis and put to the horne," while "uther twa of the said Hectouris brether, for feir of escheitting of thair cornis and guidis, hes fundin onlie souirtie, tending notwithstanding, as scho is informit, to be fugitive fra the law at the day of compeirance assignit thairto." Though she has thus proved her earnestness in the matter, "nevertheles certane malicious and ungodlie personis hes, in thair pretendit malice, quietlie infamit and bruittit hir as airt and pairt, at the leist of the counsale, of the odious cryme foirsaid;" and, taking occasion of this infamous report, "George Hume of Woddirburne hes procurit and obtenit commissioun of our Soverane Lord, direct and grantit to Archibald, Erll of Angus, William Ker, appeirand of Cesfurd, and to himself, gevand and grantand to thame, or ony of thame, conjunctlie and severalie, power to seik, tak, and apprehend quhatsumevir personis suspect or culpable of the said murthour, for presenting of thame to the justice, and to assage houssis or rais fire for thair apprehensoun." Under colour of this commission "the said George Hume intendis and purposis, be his rigourus and cruell persuit, as scho is informit, to cum upoun hir under nycht, and, eftir persute of hir within hir hous, to do that lyis in him for birning thairof and to bereif hir of hir life; lyke as he, upoun preconsavit malice borne aganis hir thir mony yeris bigane, lang befoir this murthour wes committit, patt violent handis in hir persoun, strak and dang hir on hir face to the effusioun of hir blude, tuke hir servandis captive, and usit all uther meanis of injureis and oppressioun be way of deid to dryve hir unto displeasour, quhairby he mycht get sindre commoditeis of hir leaving concerning the baillierie and service of hir men and puir tennentis thairof." For these oppressions and injuries she had complained to the Lords of Session, and had "obtenit letters quhairby scho causit charge him and divers utheris, his freindis, and servandis, to find hir lauborrous;" but, though they had been personally charged to that effect on the 22nd of November last, they had not yet found the surety to the officer, nor to the Justice Clerk or his deputes. Hence she "hes him reddy to be put to the horne;" but this "scho dar not caus execute aganis him for feir of his gretar crueltie." It is in these circumstances that the said George "hes now at last procuirit this commissioun, purpoislie to put handis in hir persoun, or rather execute his gret malice in causing of uthers to bereve hir of hir life befoir apprehensioun, and thairefter to get the heretabill fie of hir haill lifrent to his hous, extending to five hundreth merkis yeirlie rent, throw hir deceis." The commission, she submits, having been wrongfully procured, should have no execution, "scho being at all tymes reddy to underly the lawis for all crymes that can be layd to hir charge," and willing to find surety under any penalty for her appearance, on 15 days' warning, before the Justice and his deputes, to whom will belong the trial of "the suspect personis contenit in the said com-

missioun." On these grounds she prays that the said George and the other commissioners be discharged from executing the commission against her in particular.—Hume of Weddirburne had been duly charged to appear before the Council and hear her prayer granted, or else show reasonable cause to the contrary; and now, "the said Jehane Hepburne compeirand personalie, and the said George Hume being oftymes callit and not compeirand, the Lordis of Secreit Counsale thairfoir hes dischairgit, and be thir presentis dischairgis, the said George Hume of Wedderburne off all executioun of the said commissioun in the said Jehanis persoun, or trubling, molesting, or impediment-making to hir or hir servandis in hir name, in the occupatioun and uptaking of the maillis and dewiteis of quhatsumevir hir landis, under cullour thairof, in tyme cuming, and of his office in that part, and ordanis letters to be direct to officiaris of armes, chargeing thame to pas and mak publicatioun of the premissis to the said George and all utheris his Hienes lieges, be oppin proclamatioun at the mercat croce of Duns and utheris places neidfull, quhairthrow he nor they pretend na ignorance of the same." Acta 1579–8 Page 445.

Resumed action of Margaret Stewart, Mistress of Ochiltrie, against the detainers of her property.

Resumption of the action of Margaret Stewart, Mistress of Uchiltrie, against Mr Johnne Douglas, chamberlain of Quhitherne, for debarring her from entering on the possession of her lands, tower, and fortalice, belonging to her in liferent [*ante*, p. 275].—The Lords decide (1) That letters issue charging Robert, Commendator of Quhitherne, and Mr Robert Stewart and others concerned, to render the tower and fortalice of Crugiltoun to the said Margaret or her servants, and remove themselves from it, within twenty-four hours, under pain of being denounced rebels and put to horn and escheat if they fail, on the ground that they have neglected the previous charge to do so or else appear and show cause to the contrary; (2) That other letters issue to officers to denounce the said Robert, Commendator of Quhitherne, Mr Robert Stewart, Alexander Stewart, elder, of Garleis, Johnne Stewart, Anthony Stewart, and Robert Stewart [*ante*, 6th April], "our Soverane Lordis rebellis, and put thame to the horne and to escheit, etc.," on the ground of their present non-appearance to answer the complaint. Page 446. Page 447.

New decisions in the case of James Nisbet and his claim to a debt of £500 due by the King's grandfather.

Reopening of the case of James Neisbett, burgess of Edinburgh, claiming £500 in payment of a debt owing originally to Hew Neisbett by the King's grandfather, Matho, Earl of Lennox [*ante*, pp. 122, 145, 193]. By the last decision of Council in this case [*ante*, p. 268], Robert, Earl of Marche, the King's great-uncle, as successor in the earldom of Lennox, and as benefiting from the escheat of Cunninghame of Drumquhassil, formerly chamberlain and receiver of the earldom, against whom Neisbett had obtained a previous decree, had been charged to satisfy Neisbett's claim, under pain of rebellion and horning. The Earl of Marche now represents that this transference of the obligation to him had been obtained on a "frevoll narratioun." He pleads, in the first place, that the decree against him had been incompe-

Acta 1579–81. tent, inasmuch as "thair aucht ane ordinar proces to have preceidit, findand him ordourlie addettit to pay the said sowme, befoir the Lordis of Sessioun or uther competent judges thairto, conforme to the lawis and practik of this realme, and the saidis Lordis of Privie Counsale wer nor ar na propir judges to deduce the said proces." But, further, he pleads that "na sic letters aucht nor mycht have bene gevin justlie aganis his Hienes said uncle for pament of the said sowne, in the saidis respectis that he obtenit the said escheit or wer successour in the said erldome, becaus, albeit the gift of the said Lard of Drumquhassillis escheit wes disponit to the said Robert, Erll of Marche, yit he proffitit na thing thairby; nather aucht his Hienes nor his donatouris pay ony debt; lyke as alsua it is of veritie that the said Robert, Erll of Marche, is na air nor successour to his Hienes said umquhill guidsire, nor yit enjoyis the said erldome of Lennox." On these grounds he demands that the letters granted to Neisbett against him be suspended simpliciter.—Neisbett had been summoned to appear, to hear decision given on this demand; and now,
Page 448. "the said Robert, Erll of Marche, compeirand be Mr Williame Cok, his procuratour, and the said James Neisbett compeirand personalie," the Lords, after hearing both parties, decide as follows:—"Findis, in respect of the discharge gevin to the said Johnne Cunninghame of Drumquhassill of his escheit, in the moneth of August, the yeir of God j^{m}v^{c}lxxviii yeiris, and that he is compttable of his intromissioun with the erldome of Lennox of sindrie yeiris preceiding,—upoun quhilk occasioun a precept wes first direct be our Soverane Lord to the said Johnne for pament-making to the said James Neisbett of the foirsaid sowme,—respecting thairwithall that the said Erll enjoyis na commoditie presentlie of the said Erldome of Lennox, that thairfoir the said Johnne Cunninghame aucht to mak payment to the said James Neisbett of the foirsaid sowme, conforme to the said precept; and thairfore ordanis letters to be direct, chargeing the said Johnne Cunninghame of Drumquhassill to mak pament to the said James Neisbett, his factouris and servandis in his name, of the said sowme of five hundreth pundis, conforme to the said precept, within ten dayis nixt eftir he be chairgit thairto, under the pane of rebellioun, and, gif he failyie thairin, the saidis ten dayis being bipast, to denunce, etc., and to escheit, etc. Attour, the saidis Lordis of Secreit Counsale, for the caussis foirsaidis, hes suspendit and, be the tennour heirof, suspendis, the saidis letters of horning raisit at the instance of the said James Neisbett upoun the said Robert, Erll of Marche, effect thairof and proces of horne contenit thairin, simpliciter in tyme cuming, and dischargis all officiaris of putting of the same to forther executioun upoun him, and of thair offices in that part."

The Earl of March and the Priory of St Andrews.

Williame Cok, procurator for Robert, Earl of Marche, produced a letter of the said Earl, revoking a procuratory granted by him, demitting to the King the priory of Sanct Androis, for presentation of the same by his Highness to Captain James Stewart.

Dundee, 10th June. Caution for George Balfour, Prior of Charterhouse.

Caution in £500 by Andro Balfoure, elder, of Monquhany, Gilbert Balfoure of Eistgrange, David Maxwall, apparent of Teilling, Robert Bruce of Pitlethie, and James Stewart, son of Alexander Stewart of Scottistounhill, for George Balfour, prior of the Charterhous, that he shall underlie the law on 24th instant, "for making, forgeing, and countarfuting of certane fals and adulterat money, and outputting and exchangeing of the same amangis our Soverane Lordis liegis at divers and sindrie tymes." Acta 1579–8

Dunnottar, 22nd June.

Sederunt—Esme, Comes de Lennox; Joannes, Comes de Montrois; Joannes, Comes de Mar; Commendatarius de Dumfermling; Commendatarius de Deir; Commendatarius de Sanct Colmis Inche. Page 449.

Supplication of the Provost, Council, and Community of Aberdeen respecting an infringement on their ancient rights of salmon-fishing on the Dee and the Don.

Supplication to the King and Council by the provost, council, and community of the burgh of Abirdene, as follows:—"His Hienes progenitour, King Robert, of gude memorie, quha restis with God, sumtyme beand within the said burgh, persaving the barrennes and sterilitie of the ground quhair the said burgh is situat, and the gret honestie thairof, togidder with the fervent lufe schawin be thame to his Hienes and his progenitouris then and at all tymes of befoir,—considdering alsua thair bauld manheid in the recovering and distroying of the strong castell biggit and mantenit be the Englismen sumtyme for danting and suppressing of the burgh and cuntrie,—upoun thir respectis dotit the said burgh and communitie thairof, of his bountifull liberalitie and clemencie, with certane commoditeis, liberteis and immuniteis, for the ayd and support of the same, and namelie with ane pece [of] ground callit the Stokkat, adjacent to the burgh, and the salmond fischeingis of the same burgh upoun the watteris of Dey and Done, for yeirlie payment to his Grace and his successouris of thre hundreth and twentie merkis usuale money of this realme, in name of feuferme, as thair infeftment thairof proportis." They and their predecessors had enjoyed these grants till five years ago, when George Auchinlek of Balmanno, who owns the lands of Polgony and Murtour, "liand contigue to the salmound fischeingis of Done, on the north and north eist side of the saidis fischeingis," had obtained "ane pretendit new infeftment of the saidis landis, including thairin salmound fischeing *per modum de novo damus*." Such right of salmon-fishing "he nor his predecessouris nevir had in ony infeftment befoir." It had been "maist wranguslie purchest and gevin be his moder broder, the Erll of Mortoun, then being regent of his Hienes realme and lieges, not onlie to the gret dampnage and detriment of his Hienes, the communitie foirsaid, and thair posteritie, bot alsua to the gret prejudice of his Majesteis yeirlie revenew and patrimony of his croun." As for the provost, council, and community of Abirdene, "gif the said George be sufferrit to cum in possessioun of the said fischeing, they and thair successouris will be debarrit and stoppit fra all salmound fischeing on that watter in all tymes cuming, in respect he pretendis his said new fischeing to be betuix thame and the sey, and in the sey forganis the watter mouth of Don, thair Page 450.

Acta 1579–81. scarring and debarring of the salmound fis[cheis with co]billis, airis, and nettis, stopping thame to entir in the [watter, and] thairby chasing thame agane in the mayne sey, to the said provest, counsale, and communiteis uther heirschip and wrak, see[ing that without] the industrie and commoditie of salmound na burgh [nor inhabitant of burgh] culd weill be thair, bot desert solitude."[1] And, as concerns prejudice to the King's revenue, "they can not be abill to pay the yeirlie feuferme of 320 merks to his Hienes gif they inlaik the commoditie quhairfoir the samin is payit: mairowir, his Majestie will inlaik the yeirlie dewitie and custome of the salmound fische quhilk now is payit yeirlie, gif the salmound be not taikin, and stayit and impedit be the impediment foirsaid; for the maist speciall dewitie and custume of the said burgh consistis in the custume of salmound yeirlie, as the cheker comptis testifiis."—In consequence of this supplication, the Lords revoke the said infeftment of *de novo damus*, so far as the same extends to the said fishing, "as gevin to the said George in his Majesteis minoritie," to his Majesty's hurt, as well as that of the petitioners.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Atholl; Esme, Comes de Lennox;[2] Andreas, Comes de Rothes; Patricius, Dominus Lyndesay; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittenweme; Clericus Registri; Computorum Rotulator. St Andrews, 27th July.

Page 451. His Majesty, for certain good reasons, "following the privilege of the commoun law grantit to minouris," revokes all dispositions made to Johnne Cunninghame of Drumquhassill of the captainry of Dumbartane Castle, and of the uptaking of the dues belonging thereto, so that the King may enter therein and dispone of the same at his pleasure. Revocation of the captaincy of Dumbarton Castle from Cunningham of Drumquhassil.

Sederunt—Jacobus, Comes de Mortoun; Joannes, Comes de Atholl; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commen- St Andrews, 29th July.

[1] The words within brackets are supplied from a subsequent entry in the same business (*infra*, page 353), the Register being here defective.

[2] In the interval between the last meeting of the Council, at Dunnottar, on the 22nd of June, and this meeting at St Andrews on the 27th of July, a General Assembly of the Kirk, the fortieth since the Reformation, had met at Dundee. To this Assembly the Earl of Lennox had sent a letter, dated "from St Andrews, the 14th day of Julie," beginning, "It is not, I thinke, unknowne to you how it hath pleased God, of his infinite goodnesse, to call me by his grace and mercie to the knowledge of my salvation, since my comming in this land." He then reminds the Assembly that he had publicly declared his conversion to Protestantism, "first by my owne mouth in the kirk of Edinburgh, and secondlie by my hand-writt in the King's kirk at Stirline, where I subscrived the Confession of Faith." He renders to the Assembly, however, "free and humble offer of due obedience" in anything farther that may be desired. One of his servants appeared in the same Assembly and abjured Roman Catholicism (Calderwood, iii. 468, 469).

datarius de Dumfermling; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittenweme; Clericus Registri; Computorum Rotulator. Acta 1579–81.

Punishment of Alexander Cunningham for an assault upon Mr James Melville, Regent of the University of Glasgow.

Complaint of Master James Melvile, one of the Regents of the University of Glasgw, as follows:—"Alexander Cunninghame, younger, of Clonbeyth, burges and indwellar of Glasgw, upoun the xx day of Junii instant, being at his tabill at dennar, with certane utheris, threatnit and schoirit be mony dispitefull wordis to be revengit of the said Mr James, for correcting of Alexander Boyd, his scollar; and, continewing the rest of that day in his malicious mynd and boisting langage quhill eftir nyne houris at nycht, and findand then occasioun to put his foirthocht ewill mynd to executioun, he houndit out the said Alexander Boyd to stryke the said Mr James with ane battoun, quhilk battoun wes gevin to him be the said Alexander Cunninghame. And, the said Mr James beand cumand throw the hie kirkyard of Glasgw, to the College, without ony kynd of armour, belevand na ewill to have bene done to him be ony persoun, the said Alexander Boyd, be the persuasioun and hounding out, as said is, of the said Alexander Cunninghame, persewit and strak at the said Mr James behind his bak with the said battoun; quhilk straik he eschewit be his suddane turning about; at quhilk tyme the said Alexander Boyd, being effrayit and astonischeit be the said Mr James wordis and countinance, drew himself asyde, luiking for the assistence of the said Alexander Cunninghame; quha, to performe his weikit interpryis, come rynnand upoun the said Mr James, with ane drawin swird in his hand, sweiring and boisting, with mony uglie aithis, that he sould hoch and slay him, calling him oftymes knaif, and saying that he wes owir pert to ding that boy; lyke as, in deid, the said Alexander Cunninghame had not then faillit to have bereft the said Mr James of his life, gif be Godis providence he had not bene stayit. For the quhilk caus he being persewit thaireftir befoir the rectour and assessouris of the said Universitie and baillies and counsale of the citie of Glasgw, at last he wes fund be thame to have done wrang in trubling and persewing of the said Mr James in maner foirsaid, and thairfoir ordanit to cum to the place quhair he offendit, to have acknawledgit his falt, and to have askit the said Mr James and the haill Universitie pardoun and forgifnes. Quhilk the said Alexander Cunninghame not onlie refusit and refuissis to obey and fulfill, being requirit thairto, bot still boistis and bragis to attempt forther injurie and invasioun of the said Mr James; sua that, be this forme of doing, discipline is frustrat, ordinarie exercisis interruptit, and the myndis of the youth drawin away fra thair studyis."—Cunninghame had been summoned to answer this complaint; and now, both parties appearing personally, the Lords, "in respect of the said decreit, ordanis the said Alexander Cunninghame to compeir in the hie kirkyard of Glasgw, quhair the speciall falt wes committit, upoun the sevint day of August nixt to cum, betuix foure and five houris eftir none, and thair Page 452.

Acta 1579–81. bairheidit to confes his said offence, first to the rectour in name of the Universitie and baillies in name of the Toun, and to the said Mr James, partie offendit, and to ask God and thame forgifnes thairof, and to tak thame be the handis, in signne and taikin alsweill of his humiliatioun as reconsiliatioun, and to purge him that he wes not steirit up thairto be na maner of persoun." Failing obedience, he is to enter in ward in Blaknes, and remain there till relieved by the King.

Feud between the Campbells of Glenurchy and the Menzieses of that Ilk.

For the arranging of a recent quarrel, "betuix Coline Campbell of Glenurquhy, and certane of his freindis and servandis, on the [one] part, and James Menzeis of that Ilk, and divers his freindis and servandis, on the uther part," both parties had been charged to appear this day, before the Council, under pain of rebellion and horning. Menzeis does appear personally; but Campbell of Glenorchy appears only by his son Colene, "quha excusit his said fatheris absence be ressoun of his aige, schortnes of tyme sen the geving of the said charge, his ignorance of the tyme of the geving thairof, and the necessitie craving his remaning in the cuntrie, specialie at this tyme quhen as, throw occasioun of the said contraversie, the maist part of the inhabitantis of the same cuntrie ar and hes bene movit to insurrectioun and disordour." The Lords, being "maist desirous to have sum mid and indifferent way tane betuix the saidis partiis," but judging the personal presence of both principals necessary to that end,
Page 453. renew the charge for the personal appearance of both, under the same penalty, fixing the 20th of August next as the date. They require, moreover, both parties, under the same pain, within 24 hours after being charged, "to subscrive be thame selffis, and caus be subscrivit be tua or thrie sufficient responsall personis, thair souirteis, sic formes of bandis and obligationis as salbe directit unto thame, notit be the Clerk of Counsale, to induir unto the xx day of Januar nixt to cum."

Prayer of Lord Maxwell and Maxwell of Cowhill for suspension of letters of horning obtained against them by Johnston of that Ilk, Warden of the West March.

Johnne, Lord Maxwall, and Robert Maxwall of Cowhill, complain that they have been put to the horn "wranguslie," by Johnne Johnnestoun of that Ilk, Warden of the West March, for their alleged disobedience to the charge of the Council, on the 4th of May last, to deliver to him certain English bills and other writs [*ante*, p. 286]. They state that, "immediatlie eftir the said charge, the said Lord directit Mr Homeir Maxwall, commissar of Drumfreis, his servand, quha come and divers tymes offerrit delivery to the said Johnne Johnnestoun of the foirsaidis billis, and all uther scrollis, rollis, indentis, and notis, being in his handis," only craving discharge thereupon for his security; which Johnnestoun, "alluterlie refusit, as ane instrument taikin upoun his offer and his refuis at mair lenth proportis." Farther, in proof of his obedience, the said Lord had gone to Striviling, shortly before the King's departure thence, and had there, "in absence of the Counsale, consignit and deliverit, in presence of his Hienes and sa mony of his Counsale as wer then present," to Mr George Young, "the foirsaidis writtis, quhilkis he hes presentlie in keiping

and reddines to be schawin to his Hienes." The complainers, pleading therefore that they have "left na thing undone that heirin on thair part can be requirit," ask that the letters and process of horning against them may be suspended simpliciter.—Johnnestoun had been summoned to appear and hear the complaint decided on; and now, he being present, and also Lord Maxwall, for himself and for the other complainer, "the said Lord Maxwall producit the saidis Englische billis, quhilkis he alledgit war newlie cum to his handis, protesting that ayther they mycht be presentlie deliverit to him agane, or then maid extant to be furthcumand and deliverit to him for his releiff heireftir as effeiris; and, attour, producit ane note of the Scottis billis fylit be the Lord Scrope, togidder with the names of the personis upoun quhome the saidis Englishe billis war fylit, quhilkis personis the said Lord obleist himselff to mak answerabill for releiff of the said Johnne Johnnestoun of the same billis, and that, upoun adverteisment to be send be him upoun thair refuis be the said Lord Scrope, the said Lord Maxwall sould immediatlie gif band or utherwise sould satisfie the said Lord Scrope, sua that alwyis the said Johnne Johnnestoun sould be relevit without delay."—Parties having been heard, the Lords, after consideration, "findis, in respect that the saidis Englische billis and rollis wer not deliverit to the said Johnne Johnnestoun within the tyme prescrivit be the foirsaidis letters, direct and execute upoun the said Lord Maxwall in maner foirsaid, that thairfoir the samin letters ar and hes bene deulie and ordourlie proceidit and execute upoun him. Attour, the saidis Lordis ordanis the saidis billis, notis, and utheris writtis, producit be the said Lord Maxwall in maner foirsaid, to be deliverit, lyke as they ar presentlie deliverit, to the said Johnne Johnnestoun, for the bettir discharge of his office and charge as effeiris,—to be extant and furthcumand, notwithstanding, to the said Lord Maxwall, and deliverit to him agane for his releiff, as the necessitie sall sa require heireftir, according to the protestatioun maid be him in maner abonewrittin." Acta 1579–81 Page 454.

Caution for Cunningham of Drumquhassil.

Caution in 500 merks by Matho Steuart of Mynto for Johnne Cunninghame of Drumquhassill, that he shall account at the Exchequer upon 1st September next for his intromission with the earldom of Lennox.

Caution for Patrick Webster.

Caution in £500 by Williame Ruthven of Ballindane for the appearance of Patrik Wobstar, son of Patrik Wobstar in Belthomas, before the Justice when warned,—Johnne Menzeis, parson of Weme, relieving the cautioner.

St Andrews, 30th July.

Sederunt—Domini ut in die predicto.

Renewal of Lord Maxwell's demand for suspension of letters of horning.

Renewal by Lord Maxwall and Robert Maxwall of Cowhill of their demand of yesterday for the suspension of the letters of horning obtained against them by Johnnestoun of that Ilk for non-delivery of certain bills and writs appertaining to the wardenry of the West March.

Acta 1579–81. Page 455. They represent that, as the documents "ar presentlie in the Clerk of Counsallis handis," and as "they have alreddy fulfillit the command of the letters," the execution of the horning against them would be "expres agains all gude ordour or ressoun."—Lord Maxwall and Johnnestoun both again appearing personally, the Lords, "in respect of the productioun of the saidis rollis befoir thame be the said Lord Maxwall upoun the xxix day of Julii instant, suspendis the foirsaidis letters upoun the said Johnne, Lord Maxwall, and Robert Maxwall of Cowhill, simpliciter in tyme cuming; and, attour, ordanis letters to be direct to relax thame fra the proces of horne led upoun thame for the caus foirsaid, ressave thame to our Soverane Lordis peax, and to gif thame the wand thairoff simpliciter in tyme cuming."

Charge to Lord Maxwell to enter two Border criminals.

Nikie Litill, called James Nikie, and Nikie Litill, called Ingrahammis Nikie, his servant, having been filed in English bills, Johnne, Lord Maxwall, upon whose lands they dwell, is charged to enter them before Johnne Johnnestoun of that Ilk, Warden of the West March, for his relief, "conforme to the said Lord Maxwallis awin promeis maid laitlie in presence of the saidis Lordis of Secreit Counsale," under pain of rebellion.

Stirling Castle, 23rd August.[1]

Sederunt—Colinus, Comes Ergadie; Joannes, Comes Atholie; Joannes, Comes de Montrois; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Commendatarius de Sanct Colmis Inche; Commendatarius de Dryburgh; Commendatarius de Cambuskynneth; Commendatarius de Culros; Commendatarius de Pittinweme; Computorum Rotulator; Clericus Justiciarie.

Walter Ker of Littledean against John Haitlie and others.

Complaint of Walter Ker of Litilden, as follows:—"Upoun the xxiii day of Junii last bipast, Johnne Haitlie of Mellestanis, Andro Haitlie in the Sneip, Thomas Haitlie, his fader, Henrie Haitlie in Mellestanis, Cuthbert Purves thair, Alexander Purves thair, and George Wilsoun thair, with
Page 456. thair complices, come to the place and toure of Mellestanis,—quhairoff the said Waltir wes in possessioun, as appertening to him during the lyftyme of the said Johnne Haitlie, disponit be him to the said Waltir be contract maid betuix thame thairupoun,—and perforce brak the yettis and durris of the samin, enterit thairin, and sensyne hes keipit and still keipis and detenis the samin perforce, furneist with men, munitioun, and victuall, as ane hous of weir."—The defendants had been charged, under pain of rebellion, to surrender the said place to Ker within twenty-four hours, or else to appear before the Council on a certain day by-past, and show cause to the contrary; and now the charge to surrender the place

[1] Note the return of the Court and Council to Stirling after a northern circuit of nearly three months. See *ante*, p. 287.

within twenty-four hours is peremptorily repeated, with the addition: Acta 1579–81.
"and, gif they failyie thairin, the saidis xxiiii houris being bipast, to denunce, etc., and to escheit, etc." The reason assigned for this decision is that the defenders, though lawfully charged to render the place to Walter Ker, and to remove themselves and their servants and goods from it, or else to show cause before the Council why the same should not be done, had failed either to render the place or to appear and show reason to the contrary.

Suspension of letters of horning against William Somerville.

William Somervile of Warestoun, against whom a decreet of horning had Page 457.
been obtained by James Hoppringle, messenger, on the 9th of June last for not appearing before the Council at Striviling upon the 21st of May to answer to the charge of assault upon Hoppringle [*ante*, p. 289], now sues for the suspension of the process of horning, on the ground that, though he had been "nather chairgit personalie nor at his duelling place," yet he had come to Striviling at the appointed day to answer the charge. "Thair being na nowmer of Counsale present for the tyme," he had waited in Striviling two days for his case to come on; but "at last thocht gude to returne hamewart, luiking in the menetyme that the same letters sould have desertit and taikin na forther executioun aganis him, be ressoun he wes convenit to ane permptour dyet." He submits, therefore, that "considdering his non-compeirance proceidit not upoun ony contempt of the Kingis Majestie or his authoritie, bot upoun misknawlege of sic proceiding aganis him," his prayer for the suspension of the letters of horning is reasonable.—Hoppringill had been summoned on a certain day bypast, with Williame, Lord Ruthven, as King's Treasurer, and Masters David Borthuik of Lochhill and Robert Creychtoun of Eliok as King's advocates, to hear decision given on Somervile's petition; and now, "the said Williame Somervile compeirand personalie, and the said Williame, Lord Ruthven, being alsua personalie present, and the saidis James Hoppringle, Maisteris David Borthuik and Robert Creychtoun of Eliok, being oftymes callit and not compeirand," the Lords do grant Somervile's prayer, and suspend the letters against him simpliciter, quashing all consequences that have followed or might follow therefrom.

Complaint of the Bailies, Council, and Community of Renfrew against the authorities of the burghs of Glasgow and Dumbarton.

Complaint by the bailies, council, and community of the burgh of Renfrew, as follows:—"They having coft fra George Kennedy, burges of Air, thre hundreth bollis salt, quhairof they inbarkit thair, upoun the xi day of August instant, xxxii bollis wattir mett, with certane of thameselffis, burgessis, and ownaris thairoff, in five boittis of the said burgh of Renfrew, off purpois to have transportit the same thairto, to have bene usit and sauld be thame at thair plesour, according to the appointment maid betuix thame and the said George, luiking in the menetyme, in respect of thair fredome and privilege in using of that forme of traffique, to have ressavit Page 458.
na stop nor impediment, meikle les ony injurie or invasioun fra ony his Hienes liegis and subjectis in doing of thair lesum and necessar effairis

Acta 1579-81. in maner foirsaid," yet "the bailies, counsale, and communitie of the burrowis of Glasgw and Dumbartane, and utheris in thair names, of thair causing, command, assistence, and ratihabitioun, come, with convocatioun of his Hienes liegis, in weirlyke maner in tua severale boittis, accumpanyit with xxiiii hagbutaris or thairby in everie ane of thame." [Here the Record, for a few lines, ceases to be continuously legible; but the substance can be made out.] The Glasgow and Dumbartane boats had attacked the Renfrew boats in the Clyde "foranent the Castell of Dumbartane," and not only taken a quantity of the salt, and two of the boats themselves, with their sails, cables, anchors, and other furniture, but also "put violent handis in the personis of Johnne Allansoun, Johnne Bowie, and Henrie Robertsoun, burgessis of Renfrew, partiners of the said salt, carrit and transportit thame as captives, and as gif they had bene malefactouris, to the tolbuith of Dumbartane." Moreover, "the foirsaidis magistratis and utheris burgessis of the said burrowis of Glasgw and Dumbartane, not onlie perseveirand in thair ewill will towardis the saidis compliners, will nather mak restitutioun of the saidis guidis reft be thame in maner foirsaid, nor put the saidis complineris to libertie, bot makis publict proclamationis inhibiting all maner of personis resorting within the said burgh of Renfrew to by or sell with thame ony kynd of marchandice or to ressave thame or thair geir within the portis of the saidis burrowis, certifeing thame, and they do in the contrair, that thair guidis salbe confiscat and appliit to the saidis Magistratis awin use."—To answer this complaint there had been summoned George Elphingstoun, bailie of Glasgw, Robert Steuart, burgess thereof, James Smollet, bailie of Dumbartane, and Mr Williame Houstoun, burgess thereof; and these persons, appearing for the rest, "alledgit that the saidis baillies, counsale, and communitie of Renfrew, in bying and transporting of the said salt to be sauld within the said burgh of Renfrew, hes done manifest wrang, and expres aganis the liberteis and privilegis grantit be our Soverane Lordis maist nobill progenitouris to the saidis provest, baillies, communitie, and inhabitantis of the said citie of Glasgw, and that thairfoir, be vertew of the same privilegis, they mycht, lyke as they have lauchfullie intromettit with the saidis salt, boittis, and utheris foirsaidis, quhilk aucht to be confiscat to thair use, conforme to the tennour of the saidis privilegis." To this "it wes answerit and objectit be Adame Hall of Foulbar, in name of the saidis complineris, that they have privilege, lyke as they have bene in possessioun be vertew thairof thir fyftie yeris bigane, to by, bring, and transport to the said burgh of Renfrew salt and uther merchandice and thair to sell and dispone thairupoun at thair plesour but impediment." Parties having been heard, the Lords [1] "Remittis the decisioun of thair rychtis, liberteis, and privilegis to the Lordis of Counsale and Sessioun, as
Page 459. onlie judges competent thairto;" [2] Meanwhile order the defendants to restore the salt, boats, sails, anchors, etc., to the complainers, these latter "findand cautioun actit in the court buikis of Glasgw and Dumbartane, that the samin salt and boittis, with thair furnitour foirsaid, salbe furth-

cumand" as the law may direct; [3] Ordain all the parties to desist from innovation to the hurt of each other's privileges in time coming otherwise than by order of law. Acta 1579–81

Stirling Castle, 25th August.

Sederunt—Domini ut in die predicto.

Feud among the Turnbulls.

Sir Thomas Turnbull of Beddroule, Walter Turnbull, his son, Williame Turnbull of Barnhillis, and Edward Lorayne, younger of Harwod, on the one part, and Johnne Turnbull of Mynto, Hectour Turnbull of Wauchop, Watt Turnbull of Bewlie, and Wat Turnbull of Hoppisburne, on the other part, appear before the Council as they had been charged, "to underly sic ordour as salbe imput to thame for removing of the variance and contraversie presentlie standing betuix the saidis partiis and certane of thair freindis."—The Lords ordain that the two parties shall give mutual assurances till 1st August 1581, under pain of 5000 merks, and of "perjurie, infamy, and tinsell of perpetuall credeit, honour, and estimatioun in tyme cuming." They require the said persons to appear before the Council on that day, and command both parties to remain in Edinburgh until they find sufficient sureties to the effect above specified, under pain of rebellion; and, till they find the said surety, both parties are charged to keep "gude reule," and in nowise to molest one another, under pain of incurring the King's displeasure and indignation. Page 460.

Edinburgh, 26th August.[1]

Caution for Sir Thomas Turnbull of Bedrule and others.

Band by Sir Thomas Turnbull of Beddroule, Walter Turnbull, his son, Williame Turnbull of Bernhillis, and Edward Lorayne, younger of Harwod, as principals, on the one part, and James Ramsay, apparent of Cletty, as cautioner, to observe the tenor of the foregoing ordinance. A. Hay, Clerk of Register, signs for Ramsay, because he "can not write;" and Williame Turnbull of Bernhillis subscribes with "my hand at the pen" led by James Johnnestoun, notary.

Holyrood-house, 2nd September.

Assurance between Lord Maxwell and Johnston of that Ilk.

Band of assurance between Johnne, Lord Maxwall, and Johnne Johnnestoun of that Ilk, till 1st April 1581, each "promitting to observe and caus be observit and keipit thir presentis unviolat in ony point, under the pane of perjury, infamy, and tinsell of perpetuall credit, honestie, and estimatioun in tyme cuming." Page 461.

Assurance by Lord Maxwell to three of Johnston's supporters.

Band of assurance granted till 1st April 1581 by Johnne, Lord Maxwell, to Edward Maxwall of Tinwell, James Maxwell of Portrak, and Archibald Newall in Drumfreis, as "assisteris and partakaris" with Johnne Johnnestoun of that Ilk in his quarrels with the said Lord Maxwell; who, however, protests that "he be not astrictit nor bund to thame be vertew of ony uther assuirance."

[1] Note the return of the Court and Council to Edinburgh.

cta 1579–81.

Sederunt—Archibaldus, Comes Angusie; Esme, Comes de Lennox; Hugo, Comes de Eglintoun; Patricius, Dominus Lyndsay; Willelmus, Dominus Ruthven, thesaurarius; Joannes, Dominus Hereys; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Jacobus, Commendatarius de Sanct Colmis Inche. Holyrood-house, 7th September.

Letters raised at the instance of Sir Williame Murray of Tullibardin, comptroller, and James Mowbray, searcher-general on the north side of the Water of Forth, state that they had directed other letters "for calling of certane personis, indwellaris in the burgh of Montrois, to underly the law befoir the justice and his deputis upoun the xxiiii day of Februar last bipast for breking of arreistmentis, transporting of forbodin guidis, and certane utheris crymes." These had been given by the said Mowbray to Johnne Guthrie, burgess of Montros, his searcher-depute within the town of Montros, to be put in execution. They had been put to execution by an officer of arms, and delivered to Guthrie again duly executed and endorsed. Nevertheless, Guthrie had caused the surety found by Mowbray "to the justice-clerk and his deputis for agane bringing of the saidis utheris letters dewlie execute and indorsat, conform to the ordour, incur the pane contenit in the act maid thairupoun." Moreover, he "hes dissaitfullie maid pactioun with the pairtie callit to underly the lawis, and abstractit and retenis the saidis utheris letters fra the said James, and hes ressavit fra thame alreddy for his falsett the sowme of threscoir pundis money, with promeis of mair for delivery of the saidis letters in thair handis, to the gret defraud of his Hienes and his commoditie and to his officiaris sercheouris of the same, and to the ewill example of utheris dissaitfull personis to use the lyke craft gif this be sufferrit to remane unpuneist."—Guthrie had been charged to appear and answer under pain of rebellion; and now, "the said Sir Williame Murray of Tullibardin, knycht, comptrollar, compeirand be Johnne Murray, his sone and appeirand air, and James Mowbray compeirand personalie, and the said Johnne Guthrie being oftymes callit and not compeirand," the order is to "denunce the said Johnne Guthrie our Soverane Lordis rebell, and put him to the horne, and to escheitt, etc." Complaint against John Guthrie, searcher-depute for Montrose, for malversation of duty.

Page 462.

Sederunt—Esme, Comes de Lennox; Hugo, Comes de Eglintoun; Willelmus, Dominus Ruthven; Joannes, Dominus Hereys; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittinweme. Holyrood-house, 8th September.

Complaint of David, Thomas, George, and Henrie, Maxwall, sons of Alexander Maxwall of Teilling, as follows:—On the 14th of August last, when they were attending the market at Dunde, Robert Scrymgeour, uncle of James Scrymgeour of Dudop, with the servants of the said James, "sett upoun Waltir Arnot, neir cousing to the saidis complineris, as he wes Complaint against James Scrymgeour, constable of Dundee.

allane gangand upoun the hie streit of the said burgh, and cruellie woundit him in the heid, to the gret effusioun of his blude; quhilk sa sone as the saidis complineris understude, they come to the said Waltir, and, feiring leist that, be the furie of the people, and force of the said James servandis and assisteris, that convenit verray thik upoun all sydis, they sould have disponit upoun his life, they thocht it maist expedient, for declyning of the present dangear, that the said Waltir sould reteir him to sum convenient place quhair he mycht be in suirtie till he war cuirit of his wound, and thairfoir convoyit him to the wattir syde, and sua be boit send him to the uther syde, that he mycht thair be harmles and skaithles of the said James and his foirsaidis. Quhairupoun the said James, as constable and shereff in that part, foure dayis afoir and foure dayis eftir the said furie, alledgeing to have arreistit the said Waltir to his court for trubling of the fair, hes challangit the saidis complineris, as convoyaris of the said Waltir away, to present him agane to the constabill court, intending thairby to proceid aganis thame, and sua to be baith judge and pairtie in thair caus, the actioun being his awin, and his domestik servandis and neir kynnismen being the authouris and procuiraris of the blude."—The said Scrymgeour, constable of Dundee, had been summoned to appear to hear the complainers exempted from his jurisdiction, and the case referred to the justice-general or some other "judge unsuspect," or else to show cause to the contrary; and now, "the saidis complineris compeirand be Mr Henrie Balfour thair procuratour, and the said James Scrymgeour compeirand be Mr Thomas Craig his procuratour," and parties having been heard, the Lords, "with consent of baith the saidis parteis, appointis and ordanis Mr Johnne Grahame and Allester Bannatyne, as deputis to the said constable, to sitt in the tolbuith of Edinburgh, and to proceid and do justice in the said mater, conforme to the lawis of this realme, and dischairgis the said constable and all utheris his deputis of all proceiding aganis thame in the said mater, and of thair offices in that part." Acta 1579–8 Page 463.

Holyrood-house, 9th September.

Sederunt—Archibaldus, Comes Angusie; Colinus, Comes Ergadie; Esme, Comes de Lennox; Willelmus, Dominus Ruthven; Patricius, Dominus Lyndsay; Joannes, Dominus Hereys; Commendatarius de Dumfermling; Allanus, Dominus Cathcart; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Clericus Registri; Clericus Justiciarie; Advocatus.

Lord Maxwell's petition to have the house and fortalice of Langholm restored to him.

Supplication of Lord Maxwell, as follows:—The house and fortalice of Langholme, taken from him by command of the Privy Council, had been committed to the custody of Johnne Johnnestoun of that Ilk, his successor in the wardenship of the West March [*ante*, p. 286]. Now "it is of veritie that the said hous servis nathing to his use, nather to his Hienes use and service, nor the commoun weill of the countrie, in that it remanis unhabite be him or ony of his, and the key thairof cassin only in ane byre to the

ta 1579-81. said Lordis awin servandis that duellis in the laich houssis besyde the same; quhom, for obedience of the Kingis Majestie, the said Lord will not
Page 464. permit to enter in at the yett thairof, howbeit it suld serve to the saulftie of thair awin lyffis, without the Kingis Majesteis licence." It is represented that "the want of the said house is not only hurtfull and [pre]judiciall to the said Lord, and to the haill cuntrie duelland ewest the . . . it standing sa neir the bordoure of England and in the . . . iddis of the th . . . of baith the realmes, bot als in danger to be taken and surprist aythér be the thevis of the ane realme or of the uther." The prayer, accordingly, is that the house be restored to Lord Maxwell, to be used by him for the better preservation of the country under the King's obedience. Johnnstoun, the present Warden, had been summoned to hear judgment given; and now, both parties appearing personally, and their reasons and allegations having been heard and considered, the Lords ordain Johnnstoun to deliver the house and fortalice to Lord Maxwell on or before the 20th of September instant, at the same time requiring Lord Maxwell and his servants who may keep the house, under the highest pains, "to mak the same ready patent, and to deliver it agane to the said Johnne Johnnstoun, or his servandis in his name, upoun requisitioun, for the bettir discharge of his office." Farther, "howsone the said Johnne Johnnstoun removis and passis furth agane of the said toure and fortalice," it is ordained "that the same hous be thaireftir randerit and deliverit agane to the said Lord Maxwell or his servandis in his name, and sua the said hous to be first maid patent to the said Warden as he sall require the same for the Kingis Majesteis service, and to be deliverit agane be him to the said Lord Maxwell and his servandis at the said Wardens departing thairfra." [The meaning is that the house is to be in keeping of Lord Maxwell, except when Johnnstoun, as present Warden, requires to have possession of it.]

Complaint by the bailies, council, and kirk of the burgh of the Canongate against Mr William Roberton, schoolmaster of Edinburgh.

Complaint of the bailies, council, and kirk of the Burgh of the Cannogait, as follows:—"They being ane burgh, havand privilegis and liberteis, lyke unto uther burchis within this realme, grantit of auld be his Hienes maist nobill predicessouris, as alsua ane severall and particular kirk establischit amangis thame, sa have they bene evir cairfull according to thair dewiteis that thair youth sould have bene instructit and brocht up in the knawlege of God and gude letters, and thairfoir hes had grammar sculis, ane or ma, and that not onlie sen the Reformation of Religioun, bot also in tyme of papistrie and past memorie of man." But Mr Williame Robertoun, "scule maister of Edinburgh, be sum particular solistatioun, purchest of his Hienes in the moneth of October last the confirmatioun of ane papisticall gift, gottin in tyme of blindnes at the abbot of Halieruidhous, then being in minoritie, without consent of the convent, and be the same hes stoppit and dischairgit thair sculis be the space of ane quarter of ane yeir or mair last bipast; throw the quhilk thair haill infantis and childrene ar dispersit and scatterit, as presentlie they yit remane, to the gret dishonour of God, hurt of thair commounweill, and tinsell of thair

haill youth."—Robertoun had been charged to appear and answer under pain of rebellion and horning; and now, "Johnne Achesoun, Mr Johnne Hart, baillies of the Cannogait, and Johnne Brand, minister, compeirand personalie, for thameselffis, and in name of the rest of the baillies, counsale and kirk of the said burgh of the Cannogait, and the said Mr Williame Robertoun compeirand personalie, with Mr Thomas Craig his prelocutour," and the allegations of both parties having been considered, "togidder with tua decreittis gevin at the instance of the said Mr Williame aganis the maisteris of the scule for the tyme within the said burgh of the Cannogait," the Lords "findis thameselffis not to be judges competent to the said mater, and thairfoir remittis the samin to be decydit befoir the judges competent thairto as accordis." Acta 1579–8 Page 465.

Edinburgh, 12th September.

Caution for Graham of Rampatrick.

Caution in £2000, by Edward Maxwell of Tinwell, for George Grahame of Rampatrik, that he shall appear before the Council when cited, and that, if he supply his sons, Cristie and Geordie, "with meit, drink, hous or harberie," he shall be answerable for them and present them before the King and Council.

Holyrood-house, 13th September.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie, Cancellarius; Joannes, Comes Atholie; Esme, Comes de Lennox; Hugo, Comes de Eglintoun; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willelmus, Dominus Ruthven; Joannes, Dominus Hereys; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittinweme; Commendatarius de Culros; Clericus Registri; Advocatus.

Order to certain captains of castles, and others, to present their Border pledges.

The preamble runs, "Forsameikle as the personis, pledgis and utheris, underwrittin, wer committit to the custody and keiping of the capitanis of our Soverane Lordis castellis and utheris eftir specifiit, upoun charge to keip thame uneschaipit or eschewit or lettin to band for ony caus or pretence, under the pane of £2000 for ilkane of thame;" and the present order is that, inasmuch as the King, by advice of his Council, intends "to tak forder ordour with the saidis pledgis for the bettir quietnes of the Bordouris in tyme cuming," therefore the undermentioned keepers be charged, "ilk persoun under the said pane of £2000," to enter their pledges at Holyrood House, before the Privy Council, upon 10th October next. The keepers and pledges are as follows:— Page 466.

KEEPERS.	PLEDGES.
Esme, Earl of Lennox, captain of Dumbartane Castle.	Quintene Niksoun, son of Clemme of the Crune, and Robert Ellot of the Park.

ta 1579–81.

KEEPERS.	PLEDGES.
Alexander Erskin of Gogar, captain of Edinburgh Castle.	Hob Ellot, called Yll Hob.
Malcolme Dowglas of Manys, captain of Blaknes Castle.	Gawen Ellot, son to Scottis Hob; Armstrang, brother's son of Symmis Thome in Tynneisburne; Cristie Armstrang, called Sandeis Christie; and Rowie Armstrang, son of Sandeis Ringyeane.
Mr James Betoun of Creich, captain of Falkland Castle.	Francy Armstrang, son of the Laird of Quhittauch, and Gib Ellot of the Schawis.
The Provost and Bailies of Edinburgh.	Hob Ellot, son of Dand of Braidley, and Johnne Ellot, son of the Elder Tod.
Adam Gordoun of Auchindoun.	David Armstrang, son of Thome of Cannabie.
Alexander Ogilvie of Boyne.	Andro Armstrang, son of Thome of the Chyngillis.
David Barclay of Cullerny.	Ringyeane Armstrang, son of Hectour of Hairlaw.
George Ramsay of Dalhoussie.	Willie Ellot, called Jokkis Willie.
Williame, Lord Hay of Yester.	Thome Armstrang, son of Sandeis Ringyeane.
[Alexander] Inglis of Tarbert.	Andro Grahame, son of the Prioris Johnne.

Dittays to be given in at Peebles and Dumfries by those who have received injuries from thieves and broken men of the Borders.

As the King "is daylie importuned with the heavie and grevous complaintis of sindrie his Majesties peciable and gude subjectis, daylie hereit, troublit, and opprest be the incursiounes, stowthis, and insolence of the thevis and brokyn men inhabiting the cuntreis ewest the Bordouris," it has been resolved "that dittay salbe taken up upoun the saidis offenssis, crymes, and disorders, be the Justice Clerk or his sufficient deputis, at Peobles upoun the xxiiii day of September instant, and be the warden clerk of the West Marche at Drumfreis that same day, and that they report and schaw the dittay quhilk they sall ressave to his Majestie and his Counsale betuix and the last day of this instant moneth, quhairthrow sic as suld answer for the personis complenit upoun may be the mair directlie chargeit with thame." Proclamation is, therefore, to be made "at the mercat croces of Peobles, Biggar, Selkirk, Hawick, Jedburgh, Melros, Lauder, and utheris places neidfull within the Eist and Middle Marche," that the lieges in those parts who have complaints to make "present and deliver thair dittayis to his Hienes Justice Clerk or his deputis at Pebles, the said xxiiii day of September instant;" and similar proclamation is to be made "at the mercat croces of Drumfreis, Loch-

maben, and Annand, and utheris places neidfull within the West Marche," Acta 1579-8 that complainers in those parts "present and deliver thair dittayis to the warden clerk of the West Marche at Drumfreis" on the same day.

Protest by the Earl of Morton as Great Admiral of Scotland.

Protest before the King and Council by James, Earl of Mortoun, in his capacity as Great Admiral of Scotland, "that na Act maid be the Commissioners of Burrowis at thair last generall assemblie suld ony wyse prejudge him in his office and jurisdictioun." Page 467.

Complaint of the skippers, shipowners, and mariners of Scotland.

Complaint by "the skippers, awners, maisters, and mariners of schippis within this realme," as follows:—"The Commissioners of Burrowis, at thair lait conventioun within the burgh of Abirdene, on thair pretendit maner, without ony pouer or commissioun had from his Hienes, hes, as his Majestie is informit, maid ane Act and Ordinance that all guidis quhilkis hes bene pilleit in tymes bygane, at the leist that salbe pilleit in tymes cuming, be pyrattis, fra the subjectis of this realme, in thair passing or returning to and fra the samin, salbe recompansit be ane universall scatt and taxt, to be tane alsweill of the schip and fraucht as of the remanent guidis that sal happin to be left unpilleit within the samin schip; mynding heirupoun to caus apprise thair schippis and vesschellis, and thairupoun to dispone at thair pleasour, wranguslie aganis all order, and to the saidis complineris utter wrak gif remeid be not providit." It becomes the King and Council to provide such remedy, "in respect of the forme, in usurpation of his Majesteis authoritie be the making of the said Act, seing it can not be denyit that na subject of this realme aucht to mak ony sic actis; quhilk, in effect, is the establesing of ane law without pouer or commissioun had from his Hienes, and, gif the samin sall tak effect and executioun aganis the saidis compliners, it may induce a dangerous preparative in this commounweill, to the great hurt of his Hienes croun and estate royall." Even if the Commissioners had warrant from the King for what they have done, "as thay have nane," yet, by law and practice, "aucht the saidis compliners to have bene lauchfullie warnit, and thair defenssis hard afore the making of the said Act;" which had not been done. "Attour, it is of veritie that, in tymes bygane, quhen thair schippis and guidis wer pilleit, thay offerit thamselffis ready to defend and withstand the pyrattis, craving the assistance of the merchandis to that effect, quhilk thay alluterlie refusit; exponand thairthrow not only thair awin guidis, bot the saidis compliners guidis and veschillis, in prey to the enemy in thair defalt." For these reasons the complainers pray that the said Act may have no effect, but may be suspended and discharged simpliciter.—Charge to appear and answer the complaint had been given to the Commissioners of the burghs of Dundie, Montrois, Abirdene, Kincardine, Forfar, Perth, Edinburgh, Leith, Cowpar of Fyff, and Sanct Androis, "be oppin proclamatioun at the mercat croces of the saidis burrowis, becaus thair names and nowmer wer unknawin to the saidis compliners;" and now, "Maister Thomas Page 468.

cta 1579-81. Craig comperand personalie, as procuratour for certane of the skippers, maisters, and mariners, induellaris within the townes of Dundie, Leith, Kingorne, Brunt Iland, Kirkcaldy, and Quenisferrie, speciallie constitute be thair letters of procuratorie, and the saidis Commissioners of Burrowis comperand be Maister Johnne Scharp, thair procuratoure, the Lordis of Secrete Counsale, understanding the said mater not to be competent to thair jugement, [remit] the same, thairfore, to be decidit be the judgeis competent thairto as accordis of the law."

Sederunt—Domini ut in die predicto.

Holyrood-house, 14th September.

Border outrage by the Armstrongs, Elliots, and others.

Complaint by James Gledstanis of Coklaw, Walter Scott of Goldelandis, and Robert Ellott of Reidheuch, as follows:—On the 28th of August last, "certane Englische and Scottis thevis come to the toun and landis of Mekle Quhitelaw, pertening in heritage to the Lard of Bukcleuch, and thair thiftuuslie staw away fra Johnne Gledstanes certane nolt furth of his byre, to his utter wrak and herschip; and, the fray cuming to the house of Branxhelme, the saidis compliners and thair cumpany, to the nowmer of fiftie personis, as use is, rais to the said fray, the same being on the nicht, and followit the dryvers of the said nolt throw Liddisdale and in England, till thay come to ane toun callit Billieheid thair; quhair thay rypit for the saidis guidis, and wer sufferit be the Englischemen to do the same without trouble or impediment maid to thame. And, not finding the saidis stowin guidis, thair horsse being sittin downe, they returnit bak, thinking to have cumit throw Liddisdaill to thair awin houssis and duelling places, without stop, trouble, or impediment to have bene maid to thame be ony personis. Nevirtheles, Lancy Armstrang, lard of Quhittauch, Sym Armstrang, Arche Armstrang, and Andro Armstrangis, his sonnes, Hecke Armstrang, callit Tweden, Ninian Armstrang, his brother, Thom Armstrang, callit Symmonis Thom, Johnne Armstrang, *alias* Gutterhoillis, Lancy Armstrang, *alias* Bonybutis, Andro Armstrang, *alias* Reid Andro, Johnne Armstrang, callit Bartillis Johnne, Forster, callit Bruntwod, Forster, callit Trakcreip, fugitives, Englischemen in houshald with the said Lard of Quhittauch, Andro Henresoun, Jokie Ellott, callit Copeschaw, Thome Ellott, his brother, Sym Ellott, Gawin Ellott, Arche Ellott, and Hobbe Ellott, sonnes to Martene Ellott of Braidley, Dand Ellott of Braidley, fugitive, Hobbe Ellott of the Park, Johnne Ellot of the Park, Hobbe Ellott, callit Kene, Arche Ellott of the Park, Johnne Niksoun, callit Halyden, Clement Croser, callit Clementis Cleme, William Henrysoun, callit Strymare, and Jok Ellott, callit Scottis Hobbis Jok, with thair complices, to the nowmer of thre hundreth men, having the assistance and force of the haill cuntrie and commownes thairof, alsweill fugitives and rebellis as utheris, and being laid in ambuschement besyde the Lard of Quhittauchis house, of set purpois, provisioun and forthocht fellony, Page 469. without the saidis compliners knawlege, umbesett thair way in thair hame-cuming, and maist cruellie sett upoun thame, thinking to have had

all thair lyffis. Bot thay, debating sa lang as thay micht, at last wer owerthrawin be the greate nowmer of thair persewaris; and, thair horsse being sittin downe, the saidis personis cruellie slew umquhile Walter Gledstanes, brother to the said James Gledstanes of Coklaw, hurt and woundit the said Walter Scott and Robert Ellott, and a dusand and ma of thair cumpany, tuke the said Walter Scott and fourty personis or thairby of his cumpany prisoners, and led thame captive, and kepit thame quhill thay wer forcit to mak band and promise unto the said Lard of Quhittauch and his complices abonewrittin to enter agane to thame upoun aucht dayes warning, and that without ony discharge to be gevin be oure Soverane Lord or his Warden in the contrar, expres aganis all law, reasoun, and justice."—The persons complained against had been summoned to appear and answer, under pain of rebellion; and now, "the said James Gledstanes of Coklaw, Walter Scott of Goldelandis, and Robert Ellott of Reidheuch being present, and the personis abonewrittin complenit upoun being oftymes callit and not comperand," the order is to denounce them rebels, and put them to the horn and to escheat. Acta 1579–81

Holyrood-house, 15th September.

Sederunt—Domini ut in die predicto.

Caution for Lauchlan Mackintosh.

Caution in £2000 by Johnne Leslie of Buchquhane for the appearance of Lauchlane Makyntosche of Dunnachten before the Council when cited.

Edinburgh, 16th September.

Sederunt—Domini ut in die predicto.

Caution for two Reidpaths.

Caution in £2000 by Thomas Seytoun of Northrig, for William Reidpeth of that Ilk and William Reidpeth of Angelraw, that William Reidpeth of Grenelaw and Adame Reidpeth of Westraw shall be harmless of them, Alexander Reidpeth of Angelraw and Andro Garbraith of Eister Wynschelis relieving the cautioner. Johnne Andro subscribes for the said Alexander Reidpath, who "can not write." Page 470.

Proclamation of armed muster at Dumfries for service against the Border rebels.

The King and Council, considering the great damage done to his true subjects on the Borders by the thefts and oppressions of the Border rebels, aggravated by slaughters of those who defend their own goods, "in sic sort that divers proffitable and gude landis ar laid waist, and mony houshalders constranit to skaill thair houssis, to the great hurt of the commoun weill of this realme," and considering also that "the saidis rebellis ar owerloukit and winkit at be sic as duellis maist ewest to thame," are now constrained to use armed force in those parts. Letters are therefore to be directed to officers, "chargeing thame to pas to the mercat croces of the burrowis of Drumfreis, Kirkcudbricht, Wigtoun, and Lanerk, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge all and sindrie his Majesties liegis betuix sextie and sextene yeris, and utheris fensable personis, alsweill to burgh as to land, regalitie as ryaltie, duelland within the boundis of the schirefdomes of

Acta 1579–81. Drumfreis, Wigtoun, Lanerk, and stewartres of Kirkcudbricht and Annanderdaill, that thay and ilk ane of thame, weill bodin in feir of weir, with fyftene dayes victuallis and provisioun, addres thameselffiis to convene and meit his Majesties lieutennent at Drumfreis upoun the fyftene day of October nixt to cum, and fra thyne to accumpany him and attend upoun our Soverane Lordis service under his directioun, as thay salbe commandit, during the said space of xv dayes, under the pane of tynsale of lyff, landis, and guidis."

Holyrood-house, 18th September. Dispute between the Oliphants and Moncreiff of that Ilk.

Considering "the troubles and disorders that hes bene in tyme bygane, tueching the leding and intromissioun with the teindschaves of the landis of Kyntillo and Kilgirstoun, betuix Laurence, Lord Olyphant, and Laurence, Maister of Olyphant, his sone, thair freindis and partakers, on the ane part, and William Moncreif of that Ilk, his freindis and partakers, on the uther part," his Majesty, with advice of his Council, "hes ordanit and appointit his lovit familiar servitoure Patrik Drummond, apperand of Carnok, to pas and teind the cornis growand and being upoun the saidis townes and landis this instant crop and yeir of God j^{m}v^{c}lxxx yeris, and to caus leid and stak the saidis teindschavis upoun the ground of
Page 471. the saidis townes and landis respective upoun the expenssis of the self, thair to remane unmellit or intromettit with be the saidis parteis or ony in thair names, or be ony utheris," until it shall be decided to whom they legally belong. Therefore [1] Letters are to issue charging Lord Oliphant and his son "to caus transport and deliver agane to the said Patrik Drummond the haill cornes intromettit with be thame and thair servandis at thair command furth of the ground of the saidis townis and landis this instant crop as for a part of the teindis thairof, to the effect that the same may be placit and stakkit with the remanent that is yit to be teyndit and led upoun the same ground, within xlviii houres nixt efter thay be chargeit thairto, under the pane of rebellioun and putting of thame to the horne." [2] Charge is to be given to the Olyphants and to Moncreif, personally or at their dwelling-places, and to all others by proclamation at the market cross of Perth, that, under the same penalty, "thay desist and ceis fra all melling or intromissioun with the cornes of the saidis townes and landis of Kyntulloch and Kilgirstoun, as for the teyndschavis thairof, of this instant yeir and crop, and fra all stop, trouble, or impediment making to the said Patrik Drummond in teynding." [3] The Olyphants, Moncreif, and all others pretending right or interest, are to be charged in the same manner, and under the same penalty, to appear before the King and Council on the 20th of November next, bringing with them their rights and titles, to hear it decided whose right is best.

Holyrood-house, 20th September.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Archibaldus, Comes Angusie; Esme, Comes de Lennox; Hugo, Comes de Eglintoun; Patricius, Dominus Lyndsay; Joannes, Dominus Hereis; Allanus, Dominus Cathcart; Com-

mendatarius de Dumfermling; Commendatarius de Sanct Colmis Inche; Commendatarius de Pittenweme. Acta 1579-81.

Supplication of William Douglas of Lochleven.

Supplication by William Douglas of Lochleaven, as follows:—"Efter the deceis of umquhile Robert, Erll of Buchan, his brother, his Majestie, haveand rememberance and consideratioun of his gude, trew, and thankfull service done to his Hienes be him in his tyme, being ane of his Majesteis Secrete Counsale, and levand behind him ane sone and thre dochteris, gave and grantit to him the ward of his leving and mariage of his sone, sa that the same mycht cum to the commoditie of his barnis; and, to that effect, he is myndit and willing to mak assignatioun and translatioun of the mariage of his sone to his thre sisters, for thair help and support to thair mariages, and, in cais of his deceis unmareit, the mariage and ward of the eldest sister to the uther twa sisters being in lyff, the secund sister succeding hir marriage and proffite thairof to hir uther sister levand, and that be sic gude order [and] securitie as salbe thocht convenient be his Majesties advocattis and men of understanding. And, the signatoure of the said ward and mariage being subscrivit be his Majestie gratis upoun gude considerationis, and his Hienes gude mynd declarit thairanent for the weill of the saidis bairnis, yit his Hienes thesaurar hes postponit, and as yit postponis and delays, to pas and subscrive the said signatoure as it is subscrivit be his Majestie, and will not pas the samin without he be commandit thairto." The prayer, therefore, is that the Treasurer be commanded to subscribe the signature, or that the Keeper of the Privy Seal be required to pass the signature without the Treasurer's subscription. —The Treasurer, William, Lord Ruthven, having been charged to appear and hear the supplication granted, or show reasonable cause to the contrary, has stated his objections. He alleges "that the said signatoure and gift of the said ward and mariage suld not pas as is desirit, becaus the same wes inorderlie subscrivit be the Kingis Majestie at Alloway, aganis the forme and order appointit be the lait Actis of Parliament and Secrete Counsale, in sa far as the same wes not presentit be him or his deputis, to quhome the same properlie appertenit and be quhom sic thingis ar appointit to be past be the saidis Actis, lyke as the subscriving of the same gift gratis be his Majestie wes purchest thairefter at Halyrudehous upoun inoportune sute maid be Robert Erskin, gentleman of his Hienes chalmer, alsua aganis the tennour of the saidis Actis, to the great hurt and hinderance of his Majesties proffite; quhairthrow the said Thesaurar is maid unable to discharge his office be outredding of the great chargeis, expenssis, and feallis of his Hienes officiaris of the estait, and utheris the commoun effaires of the cuntrie." Moreover, "it wes allegeit be the said Thesaurar that the landis and leving of the erldome of Buchane pertenit of befoir in propirtie to the Kingis Majesties predicessoures, and wer gevin out be thame to sum of the said last Erlis predicessoures; in respect quhairof the said Thesaurar, acknawleging his dewtie as his Majesties officiar in this cais, cravit that, in cais of deceis of Douglas, son Page 472.

Acta 1579–81. and air of the said umquhile Erll, without lauchfull aires maill of his body gottin, that it mycht be presentlie providit that the said Erldome returnit agane to the Kingis Majestie and his successouris, and be annext to the croun in propirtie as of befoir, and the said Erlis dochters presently
Page 473. on lyff to be providit for utherwyse according to thair degre and estait." The Treasurer asks instruments to the effect that he has discharged his duty by making these objections; and the King and Council give their decision. "Haveand consideratioun of the gude, trew, and thankfull service done to his Majestie be the said Robert, Erll of Buchane, in his tyme, for the quhilk he nevir ressavit ony recompense or reward, and that the gift of the said ward and mariage is appointit to cum to the commoditie and proffite of his barnis, and securitie promisit to be maid thairupoun be men of jugement, notwithstanding the dispositioun thairof to the said William, as said is," they ordain "the said Thesaurar to pas and subscrive the said signatoure, as it is subscrivit be his Hienes gratis, within thre houres efter he be requirit thairto, certefeing him, and he failye, warrand and command salbe gevin to the Kepar of the Previe Seill and Writar thairto to pas the said signatoure, notwithstanding the nonsubscriptioun thairof be the said Thesaurar."

Arrival of a ship infected with the Plague: Orders of Council accordingly.

The King and Council understand that the following persons—"they ar to say, Frances Bischop, burges of Edinburgh, Allane Young, thair, William Mudy, thair, George Young, thair, Patrik Monylawis, thair, Michaell Samwell, thair, Alexander Mure, Robert Edzar, in Dunce, Robert Hammyltoun in Air, Thomas Galloway in Hadingtoun, Michaell Henrysoun, thair, James Dowglas, thair, Abrahame Wobster in Kirkcaldy, Walter Ramsay, William Johnnstoun, in Striveling, Johnne Downy, skippar, Johnne Scott, clerk, Johnne Young, Robert Broun, Ritche Wilsoun, Alexander Lyell, Johnne Bennes, Harie Echlene, William Davidsoun, Johnne Davidsoun, David Balfoure, Robert Johnnstoun, William Clerk, William Scott, David Halkett, Williame Martyne, Patrik Hodge"—have lately arrived in the Firth of Forth in a ship called The William, of which the said John Downy is skipper, and "ar infectit with the pest, and sum of thame alreddy deid of the same seiknes." As it is necessary, to prevent the spread of the infection, that they should be strictly confined by themselves in Sanct Colmis Inche, orders are to issue to the proper officers "to pas, command, and charge the foirsaidis personis that nane of thame tak upoun hand to cum or repair furth of the said Inche in tyme cuming, quhill thay be clengit of the said seiknes, and thaireftir obtene licence of the Kingis Majestie, under the pane of deid, certefeing thame, and thay failye, thay salbe execute to the deid, quhairevir and howsone thay sal happin to be apprehendit, without favour." Proclamation is also to be made to the lieges "at the mercat croces of the burrowis of Edinburgh, Cannogait, Dumbar, Northberwik, Striveling, Linlythgow, Hadingtoun, Leith, Dundie, Sanct Androis, Culros, Dumfermling, Innerkething, Abirdoure, Brunt Iland, Kingorne, Kirkcaldy,

Dysert, Pettinweme, Anstruther, Craill, Quenisferreis, Kynneill, Mussil- Acta 1579-81.
burgh, Prestoun, Seytoun, and utheris places neidfull," commanding that none of them "suffer or permit ony of the foirsaidis personis or thair guidis to cum on land, or utherwyse to ressett or grant unto thame meit, drink, house or harbrie, or onywyse by trafficque, or have ony maner of cumpany, intercommuning, or intelligence with thame, under quhatsumevir cullour or pretens," under the same pain of death, to be rigorously executed. Farther, "in cais that the foirsaidis suspect personis, or ony Page 474.
of thame, be already or heirefter sal happin to cum on land, and beis ressett in ony burgh or part of this realme," charge is to be given to the provosts and bailies of the said burghs, and to sheriffs and other judges, "to caus thame and thair ressettaris be apprehendit, thair houssis to be closit up, and thameselffis to be execute incontinent to the deid; quhairunto thir presentis sall serve thame for sufficient warrand and commissioun."

Holyrood-house, 22nd September.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie, Cancellarius; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven, Thesaurarius; Patricius, Dominus Lyndsay; Allanus, Dominus Cathcart; Commendatarius de Dumfermling, Secretarius; Commendatarius de Newbottill; Commendatarius de Sanctcolmis Inche; Computorum Rotulator; Clericus Registri.

Three Turnbulls to enter themselves in ward.

The macer of the Privy Council is ordained to charge Sir Thomas Trumble of Beddroule, Johnne Trumble of Mynto, and Watt Trumble of Bewlie, to enter in ward in Edinburgh Castle, under pain of rebellion.

Holyrood-house, 23rd September.

Complaint against Alexander Ross of Balnagown.

Complaint by Sir William Murray of Tullebardin, knight, Comptroller, as follows:—"He, being laitlie in Ros about mydsomer last, for taking order with the tennentis thairof, and of the lordschip of Ardmannoch, anent thair males and dewties aucht to our said Soverane Lord, callit and convenit the saidis tennentis befoir him to that effect; quha exponit and declarit to him that they have bene sa havelie opprest be Alexander Ros of Balnagowne this lang tyme bygane, in sic sort that nather ar thay able to pay thair saidis males and dewties for tymes bygane, bot alsua, gif tymous ordour wer not taken with the said Lard, it wer impossible to Page 475.
thame to pay the same in tyme cuming, seing thay ar already almaist herreit and wrakkit be the mony wrangis and oppressiones usit be him upoun thame."—The said Alexander Ros had been charged to answer under pain of rebellion; and now, as he has made no appearance, while the Comptroller appears personally, the order is to denounce him rebel, and put him to the horn and to escheat.

Engagements by the Earls of Morton and Angus.

James, Earl of Mortoun, tutor to Walter Scott of Branxhelme, "tuke in hand" to make Walter Scott of Goldelandis answerable to the Warden of the Middle March for Scott of Branxhelme's men dwelling in Teviotdaill;

Acta 1579-81. and Archibald, Earl of Angus, made a similar promise on behalf of George Douglas, younger, of Bonjedburgh.

Suit of James, Earl of Mortoun, as follows:—"Johnne Batie, callit Johnne of the Scoir, in the moneth of Junii last bipast, being detenit in ward and captivitie within the plege chalmer of Drumfreis, wes, at the said Erlis ernist sute and desire, lettin to libertie and fredome be Johnne Johnnstoun of that Ilk, warden of the West March of this realme, to the burgh of Drumfreis, upoun the aucht day of the said moneth of Junii; lyke as David Batie of Blakesk, Hew Batie in Johnnstounknowis, James Batie in Davingtoun, brethir, and Nicoll Batie, callit Auld Nicoll of the Scoir, be thair band and obligatioun, obleist thame conjunctlie and severalie to the said Erll and his assignais, that the said Johnne Batie suld remane within the said burgh of Drumfreis, and nawyse pas furth of the samin, bot suld enter his persoun agane within the said plege chalmer upoun the last day of the said moneth of Junii, and remane thairefter quhill lauchfull entrie had bene taken of him, under the pane of ane thowsand pundis." Nevertheless, the said John Batie had neither remained within Drumfreis nor re-entered himself within the pledge-chamber of the burgh on the day appointed, "bot departit and past hame, ministrand thairthrow occasioun of brek and trouble in the cuntrie." The cautioners, therefore, had forfeited the £1000; "quhilk aucht to be intromettit with and uptaken with all extremitie, that be thair impunitie utheris tak not occasioun to do the like heirefter."—The cautioners had been charged to appear and show reasonable cause why they should not be obliged to pay the £1000 to the Earl; and on the 3rd of September instant they had appeared by Mr David Maxwell, their procurator, while the Earl had appeared by Mr Thomas Craig, his procurator. The procurator for the cautioners had then "allegeit that the said Johnne Batie of the Scoir, upoun the said last day of Junii, offerit himself to the said provest of Drumfreis, and desirit him to ressave his entrie within the said pledge chalmer, conforme to the said band, quhilk the said provest refusit to accept. Quhairupoun the said Maister David producit ane instrument subscrivit be Harbert Andersoun, notar; quhilk being red, it wes answerit be the said Maister Thomas Craig that the said allegeance wes not relevant, except the said Maister David wald produce sum testificatioun of the said allegit requisitioun maid to the said provest, and that he refusit; quhairupoun na mention is maid in the said instrument, bot only the said Johnne Batyes awin declaratioun to the notar, quhilk is not sufficient."—And now, the case having been farther considered, the Lords "decernis the said band to be contravenit and not observit and kepit, and thairfore the saidis Hew Batie, Dand Batie, Johnne Batie, and Nicoll Batie to incur the said pane and sowme of ane thousand pundis contenit thairin, and ordanis letters to be direct to officiares of armes, schireffis in that part, chargeing thame to pas, arreist, apprise, compell, poind, and distrinye the saidis sowrties thair reddiest guidis and geir,

The cautioners for John Batie, escaped pledge, declared to have forfeited their caution money.

Page 476.

conjunctlie and severalie, and, failyeing of thair movable guidis, to apprise thair landis, conforme to the Act of Parliament, to the avale and quantitie of the said sowme of ane thousand pundis, and mak the said James, Erll of Mortoun, to be payit thairof." The reason assigned for the decision is that the said cautioners have shown "na ressonable caus" to the contrary. Acta 1579-81.

Holyrood-house, 24th September.

Sederunt—Domini ut in die precedente, et Lenox.

Order to denounce Sir Thomas Turnbull of Bedrule.

Johnne Trumble of Mynto and Watt Trumble of Bewlie have entered their persons in ward within Edinburgh Castle, according to the charge given to them [*ante*, p. 314]; but, Sir Thomas Trumble of Bedroule having disobeyed, the order is that he be denounced rebel. Page 477.

Laird of Johnston's fee and wages.

William, Lord Ruthven, treasurer, is ordered to pay to Johnne Johnnstoun of that Ilk his past wages "for the garresoun of horsmen presentlie in service at the West Borders," and also his fee due to him in the past, and "siclike of the saidis wageis and fee in tyme cuming."

Advice to the King to appoint a Lord High Chamberlain, and twenty-four Gentlemen of the Chamber.

"The Counsale thinkis expedient, and advisis the Kingis Majestie, for the bettir attendence upoun his Hienes persoun, that he sall elect sum nobleman to the office of Heich Chalmerlane and First Gentleman of his Chalmer, quha sall continewally attend upoun his Hienes, cheiflie at the ryding to the feildis, except quhen his Hienes gevis licence, and then his absence to be suppleit be a depute or lieutennent.

That his Majestie elect and nominat xxiiii personis, barrounes or the sonnes or brethir of noblemen and barronis, that hes the moyen to leif on thair awin, being personis knawin to have bene affectionat to hes Hienes sen his birth; quhilkis personis sa electit salbe subject to the commandiment of the said Lord Heich Chalmerlane in attending upoun his Hienes persoun, and sall not depart without licence had and obtenit of the said Lord Chalmerlane, or his depute and lieutennent in his absence; to quhom at thair entrie thay sall gif thair aith faithfullie to serve and attend upoun his Hienes persoun, as thay salbe directit and commandit be the said Lord Chalmerlane or his deputis and lieutennent, and not to depart without licence had and obtenit to that effect. Sic subscribitur.—Ergyle. Lenox. Eglintoun. Ruthven. Patrik L. Lyndsay. R. Dumfermling. Newbottill. Joannes Stewart. A. Hay."

Holyrood-house, 26th September.

Sederunt—Jacobus, Comes de Mortoun; Colinus, Comes Ergadie, Cancellarius; Esme, Comes Lenox; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven, Thesaurarius; Allanus, Dominus Cathcart; Commendatarius de Dumfermling, Secretarius; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Computorum Rotulator.

Acta 1579–81. Page 478. Refers to previous order charging Thomas Kennedie, tutor of Cassillis, Thomas Kennedy of Barganie, and Uchtred Makdowell of Garsland, on the one part, and James Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, elder, and Alexander Gordoun of Barskeoch, younger, his son, on the other part, to appear on the 10th of October next "to underly sic order as salbe impute to thame for removing of the variance and contraversie presentlie standing betuix thame," and to the bands and sureties taken from both parties for their mutual observance of the peace till the first of November next [*ante*, p. 246]. The said 10th of October now approaches; but, "be ressoun the Kingis Majestie hes occasioun to be absent at that tyme furth of Edinburgh, like as sindrie of the noblemen of his Counsale will be occupeit at the same tyme in certane effaires of the Borders and utherwyse," that day will be inconvenient. It is, therefore, ordered that the conference be prorogued to the 1st of December next, and that meanwhile the bands for mutual non-interference be renewed, to endure to Whitsunday 1581. Intimation to this effect is to be made to both parties; and both are to be charged to appear before the Council on the said 1st of December, under pain of rebellion as before, and also to return their bands, renewed as aforesaid to Whitsunday 1581, within twenty-four hours after being charged, under the same pain.

Appointed conference between the Gordons and the Kennedys prorogued, and new assurance to be taken from them.

Page 479. Refers to the recent proclamation of a Court of Justice to be held at Drumfreis "upoun the fourt day of October nix to cum," for trial of Border criminals, and to the accompanying warning to all persons "to gif up dittay to the Justice Clerk and his deputis," to be returned to the King and Council before the last day of September [see *ante*, p. 307]; and then proceeds to say that, "becaus his Hienes and the saidis Lordis, for the bettir expeditioun in justice, ar myndit, eftir the returning of the said dittay, to call befoir thame the maisters and landislordis of the personis complenit upoun, and to tak order with thame afore the halding of the said court for the entrie of thair men at the samin court," it has been thought fit to prorogue the holding of the said court to the 4th of November next. Fresh proclamation is ordered accordingly at the market crosses of Drumfreis, Peobles, and other places, with fresh charge to all the lieges between sixty and sixteen years of age, "duelland within the boundis of the schirefdomes of Drumfreis, Lanerk, Air, Renfrew, Wigtoun, stewartres of Kirkcudbricht and Annanderdaill, and baillieries of Kyle, Carrik, and Coninghame" [*cf. ante*, p. 310], to assemble in arms, with fifteen days' victual, "to meit his Hienes richt traist causing and counsalour Colene, Erll of Ergile, Lord Campbell and Lorne, chancellar, justice-generall and lieutennent appointit be his Majestie ower all the boundis of the saidis West Marches of this realme, at the burgh of Drumfreis upoun the said fourt day of November," for the suppression of the Border rebels, "under the pane of tynsale of lyff, landis, and guidis."

Prorogation of the Court to be held at Dumfries, with fresh proclamation for the armed muster there.

Caution in £2000, by William Stewart of Cavirstoun, for William Reidpeth of Grenelaw and Adame Reidpeth of Westraw, that they shall

Caution for William and Adam Reidpath.

not molest William Reidpeth of that Ilk and William Reidpeth of Angelraw. Acta 1579-81.

Caution for John and Walter Turnbull.

Caution by Johnne Trumble of Mynto and Walter Trumble of Bewlie, as principals, and William Reidpeth of Grenelaw, as surety, that the said Johnne and Walter shall appear before the Council when warned, the former under a penalty of £2000, the latter of 1000 merks. Page 480.

Caution for Hector and Walter Turnbull.

Caution by Hector Trumble of Wauchop and Walter Trumble of Hopisburne, as principals, and Henry Stewart, son and heir-apparent of Johnne Stewart of Cragyhall, as surety, that the said Hector and Walter shall appear before the Council when warned, Hector under a penalty of 2000 . ., and Walter of 1000 merks; Johnne Trumble of Mynto, Walter Trumble of Bewlie, and the said principals, warranting the cautioner, and Johnne Andro subscribing for the parties "becaus we can not write."

Holyrood-house, 27th September.

Sederunt—Domini ut in die predicto.

Wardship and custody of Robert Swinton of Swinton.

Suit by William, Lord Ruthven, treasurer, and Masters David Borthuik of Lochill and Robert Creichtoun of Eliok, King's advocates, as follows:—"The maillis, fermis, proffites, and deweties of the landis of Cranschawis, and sindrie uther landis haldin immediatlie of our said Soverane Lord be service and ward, throw deceis of umquhile Johnne Swyntoun of that Ilk, is becum in his Hienes handis, and pertenis to his Majestie during the tyme of the said ward; lyke as the custodie and keping of Robert Swyntoun, sone and apperand air of the said umquhile Johnne, appertenis to the said Thesaurar during the tyme of his ward and minoritie, quha as yit is within xviii yeris of aige. Notwithstanding, Katherene Lauder, Lady Swyntoun, and David Hume, hir spous, for his entres, on nawyse will deliver the said Robert Swyntoun to the said Thesaurar, to the effect he may remane in his custodie and keping as said is during the tyme of the said ward, without thay be compellit."—The defendants have been summoned, under pain of rebellion, to appear this day, producing the said Robert Swintoun before the Council, and hearing the case decided; and now, the said David Hume appearing personally, with Alexander King Page 481. his prolocutor, who also appears as procurator for the said Katherene Lauder, and the Treasurer appearing for himself and for the Advocates on the other side, the said Robert Swintoun is duly exhibited, and the defenders request therefore that "thay micht be relevit and exonerit of him in tyme cuming." The Lords accordingly order him to be delivered to Lord Ruthven, as King's treasurer, to be dealt with as his Majesty's ward; "quhilk Robert, being deliverit presentlie to him, wes alsua immediatlie thairefter redeliverit agane be him to Elizabeth Hay, executrice of umquhile Robert Lauder of Bas; quha, being personalie present, acceptit him, with his ward and mariage, in satisfactioun of the sowme of twa thousand pundis, for releif of the said Thesaurar, Johnne Stewart of Trac-

cta 1579–81. quair, and David Prestoun of Craigmillar, of the samin sowme, conforme to ane act and ordinance of the saidis Lordis of Secrete Counsale maid to the same effect of befoir [see *ante*, p. 250]. Upoun the quhilk acceptatioun and satisfactioun of the said Elizabeth in maner foirsaid the said Thesaurar askit actis and instrumentis."

Holyrood-house, 29th September. Andro Monro presents certain persons, only the King and the Clerk-Register being present.

Andro Monro of Newmore entered, before the King and the Clerk of Register, Johnne Abirnethie, Johnne Stewart, Johnne M^{c}Handie, Johnne Millar, and Donald Gromich, his tenents, in conformity with the charge given to him by virtue of letters raised at the instance of Johnne M^{c}Thomas M^{c}Androy, possessor of "ane auchtene part of the landis called Drummedat," protesting that, as there is no sufficient number of the Privy Council together at present, "quhairthrow the saidis letters mycht be callit and order tane anent the complaint mentionat in the same," the said letters might be deserted.

Holyrood-house, 12th October.

Sederunt—Jacobus, Comes de Mortoun; Esme, Comes de Lennox; Andreas, Comes de Rothes; Willielmus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dumfermling, Secretarius; Commendatarius de Newbottill; Commendatarius de Sanct Colme; Clericus Registri.

Inventory of munitions, etc., in the Castle of Dumbarton delivered by Cunningham of Drumwhassel.

Registration of the following inventory of articles in the Castle of Dumbertane, presented by William Stewart of Caveris: "The inventar of the munitioun and uther insicht geir underwrittin, left in the Castell of Dumbertane be Johnne Coninghame of Drumquhassill, and deliverit be the said Johnne to Williame Stewart of Cavirstoun, in name and behalf of ane noble and potent Lord, Esme, Erll of Lennox, lord Darnley and Obeigny, on the xxvii day of August, the yeir of God j^{m}v^{c} and foure scoir yeris, in presence of honorable men underwrittin, viz., Mathew Stewart of Mynto, Archebald
Page 482. Stewart of Castelmylk, James Stewart of Blakhall, James Stewart of Cardonald, Mathew Stewart of Barscuib, Johnne Logane of Bal . . , Petir Naper of Kilmahew, Johnne Chisholme, comptrollar of the Kingis Majesties artailyearie, with utheris divers:—Imprimis, ane battirt of found markit with the armes of Bartanye, montit upoun ane auld stok, and hir axtre and quhelis garnysit with foure virols of irn. Item, ane uther battirt lyand at the ha . . end, markit with the armes of Scotland, montit on ane auld stok, quhelis and . . tre, the said stok garnesit with over and neddir bandis of irne and sex irn bowttis. Item, on the heid of the quhite toure craig, ane moyen of found, markit with the armes of Scotland, montit upoun ane stok, with quhelis and axtre, but irne work. Item, in the rownd, ane uther moyen of found, markit with the armes of Scotland, montit upoun stok, quhelis, and axtre, the said stok havand only twa over bandis of irne with foure bowtis throw the same of irne, the ane quheill havand na virollis, and the uther quheill nane [*sic*]. Item, on the beik, ane singill falcoun of found, markit with the armes of Bartanye, montit upoun ane

auld brokin stok and auld axtre, the stok garnesit with over and neddir Acta-1579-8
bandis of irne and sex irne bowtis throw the same, the quhelis garnesit with schone and twa virollis only. Item, on the bakwall, ane uther singill falcoun of found, markit with the armes of Bartanye, montit on ane new stok, auld quhelis and axtre, the said stok garnesit with nedder and over bandis of irne. Item, twa hagbuttis of crok of found stokkit. Item, thre chargeouris, ane for battirt, ane for moyen, and ane for falcoun, with thre moppettis to serve the saidis peces, and twa irne wormes. Item, in the quhite toure, fyve hundreth battirt bulletis. Item, in the hous within the peithous of the neddir bailye, v or vi° bullattis for falcounes, moyenis, and battirtis. Item, in the hall, thre stand burdis sett on brandirs with thair furmes, with ane irne chymnay. Item, in the chalmer of deis, ane stand bed of Eistland tymmer with rufe and pannell of the same. Item, in the twa chalmeris abone the hall, in everie ane of thame twa stand beddis, with thair dry schelis and stulis thairin. Item, in the kitchene, ane dressing burd, ane plank, and ane mortar stane. Item, in the twa little chalmers at the bak wall for soldiouris, in ilkane of thame ane stand bed. Item, in the baik hous, twa baiking burdis, with ane firlott. Item, in the constabellis chalmer at the yett, ane stand bed with ane little hous for ane dry stule. Item, in the brewhous, ane brewing caldroun, ane masking fatt, foure gyle fattis, and ane wort tube. Item, in the laich chalmer at the auld hall end, ane stand bed. Item, in the windie hall, in the chalmer abone, ane stand bed. Item, in the quhyte toure, in the over chalmer thairof, ane stand bed, and in the neddir hous thairof ane stand bed for the garritoure. Item, in the chalmer betwene the craigis, ane stand bed. Item, in the neddir hall of the neddir bailye, ane great girnell quhilk will contene sextene chalder victuall, with the bodie of ane feild cairt for powder and bullet. Item, in the over hall of the neddir bailye, ane man mylne with all hir ganging geir. Item, in the chalmer of deis of the over hall of the neddir bailye, twa stand beddis. Item, in the smiddie, ane irne studie, ane licht hammer, ane littill pair of glammis but the vys, and ane pair of belleis uncoverit.—In witnes heirof baith the said Johnne Coninghame and William Stewart hes subscrivit this present memoriall with thair handis as followis: Sic subscribitur—Drumquhassill. William Stewart of Caverstoun.——The inventar of certane victuall left in the place be the said Johnne Cunynghame and ressavit be the said William Stewart of Cavirtoun the said xxvii of August anno 1580. Item, in the over lardner, ane punsioun of salt beif, with half a punsioun of salt hering. Item, in the pantre, thre great full barrellis of aill with twa pair . . . barrellis of aill, Page 483.
and with thre scoir breid, twa trene stopis, and ane cop. Item, in the over girnelhous, ane pype of meill contening sex bollis. Item, in the girnell of the neddir bailye, thre bollis malt. Item, in the wyne sellar, ane punsioun of wyne, with sex firlottis of great salt, with certane peittis and turves. And this inventar subscrivit be the saidis Johnne Coninghame and William Stewart of Cavirstoun, as followis: Sic subscribitur—Drumquhassill. William Stewart of Cavirstoun."

cta 1579–81. The 10th of October had been the day assigned for the entry of certain Border pledges by their keepers, under a penalty of £2000 for each default [*ante*, p. 306]; but the business was taken this day. Of the keepers summoned by the order of the 13th September there appeared personally the Earl of Lennox, Macolme Douglas of Manis, and Alexander Inglis of Tarbett, who duly entered the pledges required from them severally by that order, except that Douglas did not produce "Cristie Armstrang, callit Sandeis Cristie, quha wes put to libertie befoir be the said Macolme Douglas upoun ane warrand direct to him subscrivit be the Kingis Majestie and Counsale, quhilk he producit, of the dait the sext day of Maii last bipast." Alexander Erskin of Gogar appeared by James Reid, his procurator, and produced his single pledge, Hob Ellot, callit Yll Hob. Master James Betoun of Creich appeared by Master George Makkesoun, his procurator, and produced one of his two pledges, Francy Armstrang, alleging that the other, Gib of the Schawis, "departit hame to his awin cuntrie and sensyne wes slayne." William, Lord Hay of Page 484. Yester, appeared by William Hay of Wyndane, his procurator, and produced his single pledge; and George Ramsay of Dalhoussy, appearing by James Weir of Blaikwod, did the like. Alexander Inglis of Tarbett appeared personally, and entered his single pledge. David Berclay of Cullerny appeared by Master Johnne Robertsoun, his procurator; who alleged that Berclay's pledge, Rinyeane Armstrang, "wes be directioun of the Lordis of Secrete Counsale deliverit to Johnne, Lord Maxwell, in the moneth of Januar last bipast or thairby; quhilk Lord, being personalie present, grantit ressait of him," and is also bound to enter him when required, under pain of £2000. Alexander Edwart, one of the bailies of Edinburgh, appeared personally to answer for the two pledges committed to the Provost and Magistrates of Edinburgh, and declared that they "wer presentlie in ward within thair tolbuith, quhairin thay ar yit commandit to remane according to the warrand direct of befoir to that effect." At the same time Lord Maxwell, being personally present, and entering a pledge of his, Cristie Armstrang, this pledge was redelivered to the said Lord Maxwell till farther order should be taken with him, and with another pledge, called Rowe Armstrang, son to Sandies Rinyeane; "quhilkis Rowe and Cristie wer allegit to be ressavit be the said Lord in plege that the personis quhilkis suld be appointit to cast doun the hous of Auchinbadrig suld incur na skaith during the tyme that thay suld be occupiit in casting doun of the samin, in cais it suld be thocht meit be the Kingis Majestie and Counsale to be cassin doun." Two of the persons summoned by the order of the 13th of September, viz., Adam Gordoun of Auchindoun and Alexander Ogilvie of Boyne, having failed to appear as charged, "nor yit the saidis plegeis committit to thame in keping being enterit and presentit conforme to the said charge," the Lords declare them to have incurred the penalty of £2000 each, and order letters accordingly for distraint of their goods and gear or revenue of their lands to that amount. They also order the pledges that have been entered to be con-

Entry of Border pledges according to order, with certain exceptions: Gordon of Auchindoir and Ogilvie of Boyne defaulters.

veyed by the persons who have entered them to the tolbooth of Edinburgh, and delivered to the provost and bailies, "with warrandis for thair ressett in ward within the said tolbuith, thair to remane in sure firmance and captivitie upoun thair awin expenssis, ay and quhill thay be fred be the Kingis Majestie and Counsale." Acta 1579–8

Holyrood-house, 13th October.

At the coming Courts at Dumfries and Jedburgh "nane [to] be persewit for crymes afoir Craigbent."

"The quhilk day the Lordis of Secreit Counsale hes thocht meit, concludit, and ordanit that all personis arreistit and to be arreistit to the nixt justice courtis appointit to be haldin at Drumfreis and Jedburgh, upoun the fourt day of November nix to cum, salbe on nawyse persewit for ony cryme or deid committit be thame afoir Craigbent, bot that the same ly ower in suspens unpersewit according to the order and appointment tane at that tyme, and thay only to be persewit for deidis and crymes done and committit sensyne, and na utherwyse."

Edinburgh, 14th October.

Registration of band discharging Adam Fullartoun of the price of a ship.

Registration by Adam Fullartoun, burgess of Edinburgh, of a band whereby Master Johnne Provand, Johnne Arnott, Johnne Achesoun, Johnne Williamsoun, William Neisbit, burgesses of Edinburgh, Andro Lamb in Leith, and Andro Logane there, for themselves, and for their colleagues mentioned in their supplication to the Council of the 3rd of March 1579–80 [*ante*, p. 269], acknowledge to have received from Fullartoun "ane lettir maid to him be William Myln in Mylnburne of England, of the discharge of the price of ane schip callit , sauld be the said William Myln to the said Adame, grantand the said William to have ressavit compleit payment for the said schip fra the said Adame." They therefore, by the band, oblige themselves, their heirs, executors, and assigns, to "warrand, releif, and keip skaithles," now and for ever, the said Fullartoun, his heirs, executors, and assigns, of the said ship at the hands of the said William Myln, and also at the hands of their colleagues foresaid, and all others. Subscribed this day at Edinburgh by Master Johnne Provand, J. Arnot, Johnne Williamsoun, Johnne Aitkinsoun, Andro Lamb, David Endeauch, Andro Logane. Page 485.

Holyrood-house, 15th October.

Sederunt—Jacobus, Comes de Mortoun; Esme, Comes de Lennox; Andreas, Comes de Rothes; Willielmus, Dominus de Ruthven; Patricius, Dominus Lyndsay; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanctcolme; Commendatarius de Cambuskynneth; Clericus Registri; Clericus Justiciarie.

Nomination of Esme, Earl of Lennox, to be Lord High Chamberlain, with Erskine of Gogar for his deputy, and thirty gentlemen of the chamber.

His Majesty, in conformity with the "gude advise" of his Council of the 24th of September last [see *ante*, p. 316], has nominated "his dearest cousing" Esme, Earl of Lennox, Lord Darnley, of Aubigny, to the office of high chamberlain and first gentleman of the royal chamber, and Alexander Erskin of Gogar, Master of Mar and captain of the castle of Edinburgh, to the office of deputy to the said high chamberlain; Page 486.

Acta 1579-81. "quhilkis, in presence of his Hienes and his said Counsale, hes acceptit thair offices and chargeis foirsaidis in and upoun thame, and hes gèvin thair aithes for faithfull minstratioun thairin, as becumis thame." Also his Majesty "hes electit and nominat the xxiiii personis underwrittin as ordinar gentlemen of his Hienes chalmer, being baronis or the sonnis or brethir of noblemen and baronis, and having the moyen to leif on thair awin, and being knawin to have bene affectionat to his Hienes sen his birth,—thay ar to say, the Maister of Marschell, the Maister of Rothes or his brother, the Maister of Cassillis, the Maister of Lyndsay, the Maister of Levingstoun, the Maister of Elphingstoun, the Maister of Hereis, the Maister of Ogilvie, the Lard of Coldounknowis, the Lard of Bargany, the Lard of Bomby, the Lard of Kilsyth, the Lard of Mynto, the Lard of Ballindane, the Lard of Strathurd, the Lard of Moncreif, Maister Mark Ker of Prestoungrange, George Douglas of Rungawy, Capitane James Stewart of Uchiltre, Alexander Ruthven, the Commendater of Incheffray, the Priour of Coldinghame, Alexander Hume of North Berwik, and James Chesholme; togidder with the sex personis underwrittin extraordinar of his Majesties chalmer,—thay ar to say, the Lord Maxwell, the Lard of Cesfurd, the Lard of Ardkinglas, the Lard of Capringtoun, Alexander Hume of Manderstoun, and William Stewart of Cavirstoun." His Majesty therefore commands the said Lord Chamberlain to send for the said persons "with all convenient expeditioun," that they may accept the charge, and give oath to him or to his depute of faithful service. He also commands that the Clerk of the Council deliver to every one of them, when duly sworn, "the autentik extract of this act and ordinance, in takin of thair ressaving and admissioun in the said nowmer to his Hienes service abonewrittin, or utherwyse that they have his Majesties gift thairupoun under his previe seill, at thair awin optioun and chois." It is required, moreover, "that the hail personis electit be his Hienes as gentlemen of his chalmer befoir nominat acknawlege and profes the trew and Christian religioun publictlie preachit and be law estableschit within this realme, and that thay communicat at the Lordis table at sic tymes as
Page 487. the same is celebrat in his Majesties hous, thay being present, or utherwyse quhair thay sal happin to be for the tyme." Further, the ordinary gentlemen of the chamber are to "attend quarterlie upoun his Hienes service as thay salbe commandit and appointit be the said Lord Chalmerlane, except quhen the Kingis Majestie sall pleis to send for thame; at quhilk tyme thay salbe haldin to repair unto his presence, to tary for sic reasonable tyme as the occasioun sall crave."[1]

[1] The thirty persons appointed by this Act to be gentlemen of the King's chamber, ordinary or extraordinary, under the Earl of Lennox as Lord High Chamberlain, and the Master of Mar as his depute, must all, or nearly all, at this time have been partisans of the favourite Lennox. One of the twenty-four gentlemen in ordinary, however, was pre-eminent among them in this character, and was to attain a position more extraordinary than that of Lennox himself in the history of Scotland. This was "Capitane James Stewart of Uchiltre," second son of Andrew, Lord Ochiltree, one of the Reforming Lords of Scotland, and called "The good Lord Ochiltree." He had received an un-

Supplication of Alexander Ruthven, brother of Lord Ruthven.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secrete Counsale be Alexander Ruthven, brother german to William, Lord Ruthven, his Hienes thesaurar, makand mentioun that, quhair umquhile George Ruthven, his brother german, being lauchfullie providit to ane yeirlie pensioun of threttie sex chalders victuall furth of the twa part of the abbay of Abirbrothok be George, now bischop of Murray, then commendatar of Abirbrothok, wes slane, in defence of his Hienes persoun and authoritie, at Striveling, upoun the fourt day of September, the yeir of God j^{m}v^{c}lxxi yeiris, in quhais place the said Alexander, being providit to the said pensioun, bruikit the samin peciabillie quhill the tyme of the Pacificatioun maid at Sanct Johnnestoun, in Februar the yeir of God j^{m}v^{c}lxxiii yeiris [vol. ii. pp. 193–200], quhair the said Lord, his broder, nawyis willing to impeid the publict peax for his particular, wes content to owirse his titill and interes to the said pensioun at that tyme, accepting onlie ane obligatioun of Johnne, sumtyme commendatar of Abirbrothok, to satisfie him of his pensioun, at the sicht of Mr Henrie Killiegrew, ambassadour for the Quenis Majestie of England, and of umquhile the Erll of Huntlie: and, albeit the said Lord Ruthven, his broder, mycht have had the said pensioun, at leist a sufficient recompance thairfoir, of the said commendatar, yit wald he nevir condiscend to have ado with him or ony gift of his, luiking that he sould ressave the reward of his deserving be justice, as he hes alreddy done partlie; sen quhais forfaltour the said haill abbay of Abirbrothok is disponit be his Hienes to my Lord Erll of Lennox, and sua the said Alexander is still frustrat and disappointit of his said pensioun, being the reward of his broderis service, that spendit his life in his Hienes quarrell, as the said Alexander hes continewallie attendit on his Majesties service sensyne: Humilie, thairfore, beseikand his Hienes and the saidis Lordis that sic ordour mycht be taikin as the said Alexander mycht be providit of his said yeirlie pensioun for his lifetyme, be sic thing as is presentlie in his Majesteis handis at his dispositioun, or be the first benefice or casualitie happaning to vaik that may beir the same; like as at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considderit be the saidis Lordis, and they ripelie avisit thairwith, the Lordis of Secreit Counsale, in respect that the said umquhile George lost his life in defence of the

Acta 1579–81

usually good education; had been a soldier of fortune in France and Sweden, and had travelled much; had but recently returned to Scotland, "a daring and able man," says Mr Hill Burton, of "noble presence and elegant accomplishments," says Tytler; and had become indispensable to the King and Lennox, and captain of the King's guard. With a view to his subsequent life, he ought to be specially noted at this point, when he was yet only Lennox's chief instrument and agent, working with Lennox for the ruin of the ex-Regent Morton and the perfect establishment of Lennox's supremacy in Scotland. A fact of curious interest in his biography is that he was the brother-in-law of John Knox, his sister, Margaret Stewart of Ochiltree, having become Knox's second wife in 1564, when Knox was in his sixtieth year and she only in her teens. Since the Reformer's death in 1572, she had married Andrew Ker of Fawdonside; and she was still alive, to observe the progress of her brother in a career which Knox could not have foreseen. Knox's character of the good Lord Ochiltree, that he was "a man rather borne to maik peace then to brag upoun the calsey," was strangely reversed in his son (History, ii. 320).

Acta 1579-81. Kingis Majesteis persoun and furthsetting of his Hienes authoritie, and that the said Alexander is disappointit of his pensioun, being the reward of his broderis service, be the dispositioun of the said abbacie, and that he hes alsua weill deservit be his awin continewall attendance upoun his Hienes service sensyne, thairfoir findis gude and advisis the Kingis Majestie to gratifie the said Alexander with the dispositioun of the first benefice that sall happin to vaik that will extend yeirlie to threttie sex chalderis victuall, or pensioun furth of a benefice that may bear the same, extending to the said quantitie of victuall, and to mak him securitie thairupoun during his lifetyme."

Order to Ker of Cesfurd, Warden of the Middle March, to meet with the opposite English Warden.

Williame Ker, younger, of Cesfurd, Warden of the Middle Marches, is ordered "to appoint dayis of trew, and keip meatingis with the opposite Warden," [*i.e.*, the English Warden of his part of the Border] for redress of wrongs and punishment of offenders; and, to prevent delay "upoun the occasioun of the absence of ony personis quhilkis sal happin to be arreistit for billis be the said Warden in tyme cuming," letters are to
Page 488. issue charging the landlords and masters of the personis arrested "to enter the same personis to the said Warden for his releiff and bettir discharge of his office, within sex dayes nixt efter they be chairgit thairto, under the pane of rebellioun."

Demission of office by three Bailies of Glasgow, to oblige the King and the Earl of Lennox.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secreit Counsale, compeirit personalie George Elphingstoun, William Cunninghame, Robert Rowat, baillies of Glasgow, electit at this last Feist of Michaelmes for the yeir to cum, and, at the speciall desire and requeist of the Kingis Majestie, for the lufe and favour quhilk they have borne and beiris to Esme, Erll of Lennox, Lord Dernlie and Aubigny, and to the effect they may have his lordschippis favour and mantinance and gudewill in all thair honest actionis and caussis in tyme cuming, frelie, voluntarlie, and with thair awin gudewill uncompellit, dimittit, and gave owir thair said office of baillierie, and wes content and consentit that sic utheris sould be nominat, electit, and chesin thairto, for this present yeir, as the said Erll thocht gude, without prejudice alwyis of the electioun of publict magistratis and officiaris within the said citie yeirlie in tyme cuming, conforme to thair privilegis and ordour observit in sic caissis in tymes bipast. Quhilk dimissioun the Kingis Majestie and the saidis Lordis acceptit, acknawlegeing thairby the saidis personis gudwillis to his Hienes, and findis and declaris that, in using of the samin office in tyme bigane, and utherwise at all tymes sen hes Hienes coronatioun, they have behavit thameselffis honestlie, and done gude and thankfull service to his Majestie, to his Hienes contentment and the wele of the said citie and haill inhabitantis thairof."

Caution for entry of Christie Armstrong.

Caution in £2000 by Johnne, Lord Maxwell, for the entry of Cristie Armstrang of Auchingavill, and Robert Armstrang, his brother's son, before the warden or justice when charged.

Holyrood-house, 17th October.

Sederunt—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Esme, Comes de Lennox; Joannes, Comes de Mar; Willelmus, Dominus Ruthven; Patricius, Dominus Lyndsay; Allanus, Dominus Cathcart; Commendatarius de Dumfermling, Secretarius; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Lues Bellenden de Auchnowle, miles, Clericus Justiciarie. Acta 1579-81. Page 489.

Postponement of the levy at Dumfries, and of the Court of Justice at Jedburgh.

The assemblage of fencibles at Drumfreis upon 4th November next [*ante*, p. 317] is further prorogued, "for divers ressonabill caussis and considerationis," to the 18th of November; and the justice court proclaimed to be held at Jedburgh [compare p. 307] upon the same 4th of November is also postponed to the 18th. Open proclamations of these adjournments are to be duly made at the market crosses of the proper burghs. Page 490.

Another order against private solicitation of gifts from his Majesty.

Notwithstanding the acts ordaining that no gifts of the King's property or casualties shall be disponed *gratis*, or the composition thereof discharged or given forth in pension, at least during the space of three years following the 29th April last [*ante*, p. 284], yet his Highness, "be the importunitie and bauldnes of privat personis, hes bene oftymes urgeit and preissit to subscrive giftis and dispositionis of sum partes of his proper rentis, casualteis, and thriddis of benefices, and preceptis to his officiaris to answer sowmes of money at the discretioun of the askers, the maters nevir being hard of nor considerit be his Hienes and ordinar officiaris." Great inconvenience having thus arisen, it is now ordered "that all signatouris, letters, and preceptis, be presentit to his Majestie to be subscrivit be his ordinar officiares or thair deputis unto quhais charge thay properlie appertene, and to na utheris, and that na privat personis, his Majesties domestikkis, presume to present unto his Hienes ony sic signatouris, letters, or preceptis, or to urge and solist his Majestie to the subscriving thairof, under the pane of discrediting and to be removit furth of his hous and from his presence and favour." For the more sure effect of this order, the Earl of Lennox, as Lord High Chamberlain, "upoun the knawlege and triall had of the contraventioun of this present ordinance, quhairunto he sall attend," is "to remove and exclude the offendouris furth of his Majesties houshald, in cais thay be of the nomber of his domestikkis, and, being utheris, to command and debar thame from his Majesties presence without favour, in exemple of utheris." Page 491.

Holyrood-house, 18th October.

Nicolas Gelis, a Frenchman, against two burgesses of Ayr.

Complaint of Nicolas Geilis, a Frenchman, indweller in Sequan, as follows:—John Lokkert and the late John Stewart, burgesses of Ayr, had bound themselves by an obligation, dated August 26, 1572, and subscribed with their hands, "to content, pay, and deliver to the said compliner, within the toun of Rotchell, nyne last and ane half of hering, gude and sufficient merchandice, and that betuix the dait of the said obligatioun and the tyme callit Fastrenis evin" in the same year. But, "albeit the said compliner and his factouris in his name awaytit the tyme foirsaid within the toun

cta 1579-81. of the Rotchell," the same had not been received; and now, not the less, "the said Johnne Lokkert, and Helene Coninghame, relict of the said umquhile Johnne Stewart, and William Stewart, now hir spous, for his entres, executouris, at the leist intromettouris with the guidis and geir of the said umquhile Johnne Stewart, refusis to mak him payment of sex scoir frankis for everie last of the saidis nyne last and a half of hering, lyke as the samin commounlie gaif the tyme foirsaid within the said toun of Rotchell, or in onywyse to satisfie him ressonablie for the samin, meaning, in respect he is ane pure strangear quha may not await upoun the ordinar process, seing it is now feriat and clois tyme of harvist, that thairby he salbe constranit to leif his actioun, and desist from all persute of justice aganis the saidis personis, to the said compliners great hurt and skaith, and to the great sclander of divers utheris honest trafficquers of this cuntrie."—The defenders had been charged to appear and answer
Page 492. under pain of rebellion; and now, "the said Nicolas Gelis comperand be Stevin Forcad, his procuratoure, with Maister Johnne Prestoun prelocutour for the said Stevin, and the said Johnne Lokkert comperand be Maister James Wardlaw, his procuratour," but Helen Coninghame and William Stewart not appearing, it is ordered that the last two be denounced and put to the horn.

The Earl of Glencairn, Lord Robert Stewart, and the Master of Mar, sworn in as Privy Councillors.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secrete Counsale, James, Erll of Glencarne, Robert, Lord Stewart, fewar of Orknay and Zetland, and Alexander Erskin of Gogar, Maister of Mar, being electit and admittit to be of the nowmer of his Majesties Previe Counsale, and being sworne, gaif their aithes that they suld gif his Hienes thair aufauld, leill, and trew counsale in all thingis that sal happin to be proponit in Counsale tending to the honnour and suretie of his Majestie's persoun and commoun quietnes of his realme and liegis thairof, and that thay suld keip the same secrete and unrevelit, as thay suld answer to God and to his Majestie." [Compare vol. i. 441; and see Acts of Parliament, iii. 119.]

Holyrood-house, 19th October.

Sederunt—Archibaldus, Comes Angusie; Esme, Comes de Lennox; Joannes, Comes de Mar; Jacobus, Comes de Glencarne; Williel-mus, Dominus Ruthven; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Sanct Colme; Commendatarius de Cambuskynneth; Clericus Registri.

New order against bearing fire-arms.

Renewal of the statute against bearing and using fire-arms [*see* vol. i. p.
Page 493. 593, and vol. ii. p. 681, also *ante*, p. 175], the Earl of Lennox, High Chamberlain, and his deputes, being included among the Justices to
Page 494. whom the execution of the Act is committed. Proclamation of this order to be made at the market crosses of the chief burghs of the realm.

Hob Ellott, Rowie Ellott, Quintene Niksoun, Gawin Ellot, Armstrang,

Warding of pledges in Edinburgh.

and Frances Armstrang, pledges, warded in Edinburgh Castle [*ante*, pp. 307, 321]; and Hob Ellot, Johnne Ellot, Willie Ellot, Thomas Armstrang, Arthour Hammiltoun of Boithuilhauch, and Mr Nicoll Burne, warded in Edinburgh Tolbooth. Acta 1579–81

Registration of Lady Borthwick's acquittance to her husband.

Registration by Mr William Hart, as procurator for Lady Borthuik, of her receipt and acquittance to her husband for "sevintine scoir thre pund, ten schillingis, money of this realme," in full payment of her daily allowance of 30s. to the 15th of October last inclusively [see *ante*, p. 251] and of all claims competent to her against him. The witnesses are William Harvie, Andro Borthuik, bailie of the Cannogait, Mr Mark Borthuik, and James Borthuik, notary public. Page 495.

Edinburgh, 21st October.

Caution for Andrew Graham.

Caution in £2000 by Andro Home, Commendator of Jedburgh, for the entry of Andro Grhame, son of the Prioris Johnne, before the Privy Council when warned.

Holyrood-house, 16th November.[1]

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archebaldus, Comes Angusie; Esme, Comes de Lennox; Joannes, Comes de Marr; Andreas, Comes de Rothes; Willielmus, Dominus Ruthven; Patricius, Dominus Lyndsay; Robertus de Orknay; Andreas, Dominus Uchiltrie; Magister de Marr; Commendatarius de Dumfermling; Sanct Colmis Inche; Cambuskynneth; Culross; Pettinweme; Clericus Registri; Rotulator Computorum.

Muster of fencibles for service on the Border still further postponed.

Refers to the musters ordered on the Borders to meet the Lieutenants and Justices at Drumfreis and Jedburgh upon the 18th of November instant [*ante*, p. 326].—"To the effect that the saidis lieutennentis mycht proceid with the bettir expeditioun in persute of sic as suld schaw thameselffis dissobedient at the saidis Courtis," his Majesty had "directit to his dearest suster and cousing, the Quene of England, his servitoure, Alexander Hume of Northberwickmanis, for hir concurrence and assistance to be gevin in persute and repressing of the insolence of the saidis dissobedient personis." But now, "becaus hir answer and resolutioun is not yit returnit," it is thought fit "to stay the reparing of his saidis Lieutennentis to the Bordouris for sum schort space, that the mater may be handillit the mair substantiouslie, to the terrour and puneischement of the malefactouris, and releif and redres of sic as hes sustenit harme." Proclamation to this effect is to be made at the market crosses of the proper burghs, with

[1] No distinct cause appears for the interval of more than three weeks between this Council-meeting and the last; but one notes that, during the interval, there had been a meeting of the General Assembly of the Kirk at Edinburgh, and that the Earl of Lennox had been in communication with this Assembly, as he had been with the last (*ante*, p. 295, footnote). He professed himself "most willing to have a minister in his hous, for exercise of the true religion;" apologised for not having sooner procured such a chaplain, pleading the difficulty of finding one who knew French sufficiently; and requested the Assembly to do their best to find one for him among the pastors of the Reformed French Church in London (Calderwood, iii. 477).

ota 1579–81. charge to the fencibles within the bounds formerly specified to hold themselves in readiness, armed and with victual for 15 days, "to meit
Page 496. his Hienes lieutennentis, particularlie to be direct, at sic places and upoun sic dayis as thay sall ressave new adverteisment upoun fyftene dayes warning to the effect foirsaid, under the pane of tynsale of lyff, landis, and guidis."

Holyrood-house, 18th November. Summons to the Oliphants.

Laurence, Lord Olyphant, Laurence, Master of Olyphant, Petir Olyphant of Turingis, and William Olyphant of Newtoun, are summoned before the Council upon the 29th instant, to answer "upoun sic thingis as properlie concernis his Hienes self allanerlie, and upoun na thing concerning ony persoun or party quhatsumevir."[1]

Holyrood-house, 19th November. Orders relating to the above summons of the Oliphants.

Sederunt—Ut in die predicto.

Refers to the last entry, summoning the four Olyphants to appear before the Council, and adds that "his Majestie understandis that, upoun the occasioun of the variance and controversie quhilkis laitlie happinnit to fall owt betuix his Hienes traist cousing and counsalour William, Lord Ruthven, his thesaurar, and the foirsaidis personis, quhairupoun followit the slauchter of Alexander Stewart of Schutingleis, further occasioun of grudge and displeasour is thairby ingenerit betuix the saidis William, Lord Ruthven, Sir Johnne Stewart of Tracquair, knicht, and utheris thair kin, freindis, assisters, and partakers, on the ane part, and the saidis Lord and Maister Olyphant, thair kin, freindis, assisters, and partakers, on the uther part, sua that thair convening togidder with ony great multitude in armes or utherwyse at the day foirsaid can not bot import ane apperance of further inconvenient and danger to follow." It is therefore ordered that letters issue charging the four Olyphants summoned for "the penult day of November instant" to appear that day, "accumpanyit with xxiiii personis only or within, in quiet and peciable maner, without armour," and no otherwise, "as they will answer upoun thair uttermaist charge and perrell, and under the pane of incurring of his Hienes heich displeasoure and indignatioun." Also, both parties in the feud are to be charged to "keip his Hienes peax, and in nawyse to invade, molest, trouble, or persew utheris be way of deid, under quhatsumevir cullour or

[1] The occasion of this summons, so mysteriously expressed, was as follows:—In the month of October 1580, the Lord Treasurer Ruthven, returning from Kincardine, where he had been at the marriage of the Earl of Mar, passed provokingly near the seat of the Oliphants, between whom and him there was a standing quarrel about some teinds. He and his company were chased along the road by the Master of Oliphant and an armed band; and one of Ruthven's company, a Stewart of the house of Traquair, who stood when the rest fled, was shot dead by one of the pursuers, greatly to the grief of the Master of Oliphant when he knew who the dead man was. As Ruthven was determined to have satisfaction at law, the Court was much divided between the parties. Morton, after trying to reconcile them, sided with the Oliphants, thereby giving offence to Ruthven, as well as to all of the Stewart name and kin. The matter came thus to be of some consequence to Morton himself.

pretens," in coming to Edinburgh and the Cannogate and remaining there, and for the space of eight days after departing, under the same penalty and peril of prosecution for insurrection and sedition. Acta 1579-81. Page 497.

Holyrood-house, 20th November. Willie Elliot warded.

James Weir, younger of Blakwod, presented before the Council, in name of George Ramsay of Dalhoussy, Willie Ellott, called Jokkis Willie, pledge for the "gang of Burnheidis"; who is thereupon warded in Edinburgh tolbooth.

Holyrood-house, 22nd November.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Esme, Comes de Lennox; Joannes, Comes de Mar; Jacobus, Comes de Glencarn; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Patricius, Dominus Lyndsay; Willielmus, Dominus Ruthven; Allanus, Dominus Cathcart; Andreas, Dominus Uchiltrie; Commendatarius Dumfermling; Commendatarius de Newbottle; Magister de Mar; Commendatarius de Pettinweme; Computorum Rotulator; Commendatarius de Cambuskynneth; Clericus Registri.

Orders respecting a ship infected with the plague.

Certain persons underwritten [a blank space left for their names] having "laitlie arrivit within the watters and river of Tay, in ane schip callit the , quhairof Johnne Andersoun is maister, ladin with the guidis and geir of certane inhabitantis of the burgh of Perth," and the said persons having been "infectit with the pest," and some of them "already deid of the same seiknes," charge had been given to the survivors to withdraw themselves, with their ship and goods, with all possible diligence, to the Yle of Maii, there to remain, "under the pane of deid," till they had been cleansed and had obtained licence to depart. Nevertheless, they have "past further up the said wattir of Tay, and hes already, at the leist intendis schortlie, to lois thair guidis and pas thairwith on land." They are now, therefore, charged, as before, under the same penalty, to be rigidly executed, to repair to the Yle of Maii; and the lieges are to be commanded, by open proclamation at Perth, Dundie, Sanct Androis, Abirbrothock, Craill, Pettinweme, and other places needful, not to suffer any of them to come to land or harbour, or to hold any communication with them, under the same penalty of death. In case any of the said infected persons have already come, or may come, to land or harbour, in violation of the order, the provosts, bailies, sheriffs, and other judges, within whose bounds the transgression takes place, are to cause them and their resetters to be apprehended and executed, the infected houses to be closed, and the ship, boats, and goods to be burnt. Page 498.

Complaint of the widow and orphans of John Downie, skipper of a plague-infected ship.

Complaint, as follows, by "Jonet Hume, relict, and the ellevin fatherles barnis, of umquhile Williame Downy, skipper in Leith," and by "Katherene Masoun, relict, and sevin fatherles barnis of umquhile James Scott, mariner thair," and by "David Duff, alsua mariner thair," all as "awners of the schip of the same toun of Leith, callit the William [*ante*, p. 313]:—

ta 1579-81. The said ship "returning from Danskin, ten oulkis syne or thairby," and some of the crew being infected with the pestilence, the "haill, alsweill schip as the men and guidis, wer commandit to remane at Sanct Colmis Inche." This they "have done for the maist part continewallie sensyne;" but now, "sum of the personis being deid, and the remanent transportit, sum to Inchekeith, and sum to Inchegarvie, at leist the maist part of the personis on lyffe ar clengeand and brocht to the Newheavin, the said schip remaning still in Sanct Colmis Inche, and haill guidis within hir." These goods "the merchandis, awners thairof, refusis to caus be ressavit; quhairthrow the said schip already leekis, apperand to perreis, to the saidis compliners heavie hurt and skaith; and, albeit they have sindrie tymes menit thame baith to the admirall and the provest and baillies of the burgh of Edinburgh, for order to have bene taken toward the loissing of thair said schip, nevirtheles thay can find na outgait, throw the particular obstinacy and wilfulness of sum of the saidis merchandis, that preissis the said schip to transport thair lynt and hemp unloissit furth of the realme; quhilk nane dar tak on hand, nor yit be ony law or reasoun ar thay astrictit sa to do; and sua, without the Kingis Majestie, and Lordis of Secreit Counsale, be his Hienes authoritie, provide the saidis com-
Page 499. plineris spedy remeid, thay will utterlie tyne thair said schip, being of the newest and best schippis of this realme, that easelie may be clengit and scho wer anis loissit."—To answer this complaint, there had been summoned the following persons, owners of the goods in the said ship, viz.: Patrik Monylawis, Thomas Galloway, William Cokburne, younger, Robert Hammyltoun, Alexander Mure, Alexander Young, Alexander Baty, Allan Young, Abraham Thomsoun, Michaell Hendersoun, James Brand, James Hendirsoun, Nicholl Samwell, Francy Bischop, Robert Edzar, William Mudy, elder, William Mudy, younger, Andro Cuthbert, Johnne Peobles, Johnne Howesoun, Edward Johnnstoun, Robert Smyth, Johnne Mitchelhill, Johnne Young, tailor, for his son, William Turnble, James Henry, and also Alexander Clerk, provost of Edinburgh, Alexander Udwart, James Nicoll, Johnne Sym, and William Napier, bailies of the said burgh. The charge to them had been to receive the goods furth of the said ship, placing the same "within the vowtis" of Sanct Colmis Inche, there to remain till cleansed. And now, the said David Duff appearing for himself and for Jonet Hume, and Katherene Masoun appearing personally, and the provost of Edinburgh appearing, with bailies Nicoll and Sym, and Johnne Young, tailor, Johnne Peobles, Craig in the Cannogait, being also present, "and the remanent personis merchandis abonewrittin being oftymes callit and not comperand," the Lords of Council, "being desirous to have the said schip and guidis handillit and ordourit to the proffite and satisfactioun alsweill of the saidis merchandis as of the skippar and mariners be sic meanys as maist easelie may be had without danger to the cuntrie," order the said Provost and Bailies of Edinburgh "to call baith the saidis parteis befoir thame upoun the day of , and to tak sic order thairanent as they sall think maist

meit." At the same time they ordain letters to issue "chargeing the merchandis abonewrittin, awners of the guidis being within the said schip, and all utheris haveand or pretendand to have entres, be oppin proclamatioun at the mercat croce of Edinburgh, peir and schore of Leith, and utheris places neidfull, to compeir personalie befoir the saidis provest and baillies at Edinburgh" on the said day, "to gif thair gude advise how the said schip suld be handillit and ordourit, with certificatioun to thame, and thay failye, the said day being bipast, command salbe gevin to the clengers and utheris personis being in Sanct Colmis Inche to lois the saidis guidis furth of the said schip, and lay the samin on the schore within the said Inche;" in which case "nother the awners of the said schip nor thay salbe further obleist to answer for the saidis guidis." Acta 1579–8

In the matter of a commission to the Earl of Montrose and others to proceed against certain criminals.

The King, by letters under his subscription and signet, had granted full power to the Earl of Montrois and other specified persons, "to tak and apprehend Duncan Makallester Downy Stewart, Johnne Dow M°Kewin V°Craill, quhilkis hes committit and usit commoun thift and ressett of thift, imbringing of thevis and outputting of trew mennis guidis, within the boundis of the stewartrie of Menteith, at divers and sindrie tymes, and to put thame to the knawlege of ane assise thairfore, and thairefter to minister justice upoun thame conforme to the lawis." Execution of this commission had since then been stayed, "it being gevin his Hienes to understand be James, Commendater of Sanct Colmis Inche, upoun quhais landis the saidis personis duellis, that they wer altogether innocent of the saidis crymes." Still more recently, however, his Highness has been "surelie informit" that "the saidis personis ar culpable indeid of the saidis crymes." Charge had accordingly been given to the said Commendator "to have enterit and presentit the foirsaidis personis befoir his Hienes and Lordis of Secrete Counsale at ane certane day bipast, to the effect that order micht have bene taken with thame as appertenit, under the pane of rebellioun and putting of thame to the horne;" and now, the said Commendator appearing personally, "quha denyit that the said Duncan Makallestar and Johnne Dow wer ayther his men, tennantis, or servandis, and wes content that the said commissioun suld be put to further executioun upoun thame," the Lords, with his consent, "ordanis the said Johnne, Earl of Montrois, and utheris his collegis specifeit in the said commissioun, to put the same to dew executioun in all pointis." Page 500.

Holyrood-house, 23rd November.

Sederunt—Ut in die precedente.

Proclamation for muster at Dumfries on the 15th of December.

Matters being now ripe for the proposed repression of "the enormiteis of the thevis and brokin men" on the Borders [*ante*, pp. 307, 310, 317, 326, 328], it is to be intimated that, "sen the owersicht and sparing this lang tyme bygane of the cheif authours of this disorder within the boundis of the West Marches of this realme is and hes bene the occasioun of great misrule,"

a 1579–81. therefore the King and Council "hes thocht gude, concludit, and ordanit, that the saidis dissobedient personis salbe persewit be force, and thair houssis brint, dimolesit, and cassin downe to the ground, quhairthrow thay may have na refuge nor ressett thairin heirefter." For this purpose "necessar it is that Johnne Johnnestoun of that Ilk, Warden of the said West Marche, appointit be his Majestie be commissioun to the executioun heirof, have the concurrence and assistance of his Hienes gude subjectis dwelland maist ewest." Conclusive proclamation is, therefore, to be made for a muster of all fencible persons between sixty and sixteen years of age "duellend within the boundis of the schirefdomes of Drumfreis,
Page 501. Wigtoun, and Peobles, stewartreis of Kirkcudbricht and Annanderdaill, and the over ward of Cliddisdaill, within the schirefdome of Lanerk," each well armed, with provision for fifteen days, to meet the said warden at Drumfries on the 15th of December next, and to serve for fifteen days, "under the pane of tynsale of lyff, landis, and guidis."

Similar proclamation for a muster at Hawick on the same day.

Commission similar to that to Johnnstoun for the West March having been given to Johnne Carmichaell, younger of that Ilk, Keeper of Liddisdaill, for the punishment of "dissobedient personis" within the bounds of Liddisdaill and Tyndaill bewest the Streit, proclamation is ordered for a similar muster of the fencibles within the shires of Selkirk and Roxburgh bewest the Streit, to meet the said Carmichaell at Hawik upon the same 15th December next.

Holyroodhouse, 26th November.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Esme, Comes de Lennox; Joannes, Comes de Montrois; Robertus, Dominus de Orknay; Willielmus, Dominus Ruthven; Patricius, Dominus Lyndsay; Andreas, Dominus Uchiltre; Allanus, Dominus Cathcart; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Culros; Commendatarius de Pettinweme; Computorum Rotulator; Clericus Registri; Clericus Justiciarie.

Order against libels, challenges, and private combats.

Although, by divers good laws of the realm, passed in former reigns, "all infamous libellis and writtis, be the quhilk provocatioun oftymes movit of singular combattis, ar prohibeit and forbidden, except the samin be in materis of tressoun, quhairanent na uther triall is to be had," the evil has
Page 502 not ceased to be matter of grievous experience. It is therefore ordained that open proclamation be made at the head burghs of the realm, forbidding the lieges "to direct ony cartellis, infamous libellis or utheris letters of reproche to utheris, or to appoint or keip trystis for the combat," upon any cause or occasion, without the King's licence, under pain of imprisonment and confiscation of goods.

Holyroodhouse, 29th November.

Lord Olyphant having appeared before the Council according to the charge given to him [*ante*, p. 329], but Laurence, Master of Olyphant,

Order to denounce the Master of Oliphant and two other Oliphants.

Petir Olyphant of Turingis, and William Olyphant of Newtoun, having failed to appear, the decree is that these three be denounced rebels. Acta 1579–8

Holyrood-house, 30th November.

Bands of mutual assurance between the Kennedys and the Gordons.

Bands of mutual assurance between Thomas Kennedie, tutor of Cassillis, Thomas Kennedy of Bargany, and Uchtred Makdowell of Garthland, on the one part, and Sir Johnne Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, and Alexander Gordoun, younger, of Barskeoch, his son and apparent heir, on the other part. The band of the former party, the penalty of contravention being 40,000 merks, is subscribed at Carswell, 15th October, and witnessed by George M°Dowell, younger, of Derregill Johnne Bannatyne, messenger, in Mayboill, Gilbert Schaw, servitor to the Laird of Bargany, and Alexander Makdowell, servitor to the Laird of Gartland: Uchtred Makdowell, younger, of Garthland, acting as cautioner for his father. The band for the Gordons, the penalty being 25,000 merks, is subscribed at "the Perk," on 17th October, in presence of Johnne Lennox of Bellie, Robert Gordoun and William Gordoun, "my sonnes," and Sir Johnne Carsane, chaplain, as witnesses. Both bands are "notit" by "Joannes Andro," and are to be in force till Whitsunday 1581. Page 503.

Complaint by John Abercromby, parson of Une, against John Leslie, Henry Leslie, and others.

Complaint of Master Johnne Abircrummy, parson of Une, as follows:—"Upoun the penult day of September last bipast, he being occupeit for the tyme in the charge of the minsterie, Johnne Leslie of Buchanstoun, accumpanyit with Henry Leslie, his sone, George and William Lesleis, sonnes to William Leslie of Warders, and Patrik Leslie, g . . brother to the said Johnne Leslie, efter that they had searchit and socht the said compliner for his slauchter at his house, being bodin with all kind of weirlyke instrumentis for accomplesing of thair ungodlie interprise, and missing himself thair, dang his servandis, past to his ward [? yard] quhair the hors, nolt and uther guidis he had, and his uther nichtbouris thairabout, wes pasturing, brak doun [the] dykis thairof, callit furth the saidis guidis quhair thay, with thair complices, st[ude] bodin as said is, and kepit and held thame in the middis of the saidis compliners cornis quhill they had eittin the same, and distroyit of it to the quantitie of ane chalder of aittis, or thairby; throw quhilk maisterfull oppressioun the said compliner is not only hereit and wrakkit himself, bot alsua, in default of his cornis, quhilk suld be his sustenance, his charge and cure of . . minstrie at the said kirk (quhair na small nowmer of saulis ar to be fed) mon be left of, without our Soverane Lord and Lordis of Secrete Counsale provide remeid."—To answer this complaint the said Johnne Leslie and Henry Leslie had been summoned to appear, under pain of rebellion; and now, "the said Maister Johnne Abircrummy comperand be Maister George Abircrummy, his brother and procuratoure, and the said Johnne and Henrie Leslies being oftymes callit and not comperand," the order is to put them to the horn and to escheat. Page 504.

Edinburgh, 7th December.

Caution in £10,000 by William Douglas of Lochleaven and David Berclay

ta 1579–81. of Cullerny, for the entry of Laurence, Lord Olyphant, in ward in the Castle of Downe in Menteith, upon the 9th instant. Caution for Lord Oliphant.

"The Kingis Majestie, with avise of the Lordis of Secrete Counsale, ordanis the maser of Counsale to pas and warne Johnne Dury, minster, to compeir personalie befoir his Hienes and the saidis Lordis upoun Tyisday nixt, the xiii day of December instant, to answer to sic thingis as salbe inquirit of him, tueching sum wordis spokin be him in his last sermon and within the pulpett in Sanct Gelis Kirk upoun Fryday last, the nynt day of this instant, quhilk sumquhat twitcheis his Hienes, his Counsale, Page 505. and certane utheris; quhairof ordanis the said maser to deliver the said Johnne sum memor in write, quhilk gif he find different from his awin speking, that then he pen and put in write the same his speking and meaning, and returne the same to his Majestie and Counsale the said day, to be sene and considerit, and to answer thairupoun as effeiris, as he will answer upoun his obedience." Holyrood-house, 10th December. John Durie, minister, to be summoned before the King and Council for words spoken in the pulpit of St Giles.

Sederunt—REGE PRESENTE—Jacobus, Comes de Mortoun; Archibaldus, Comes Angusie; Colinus, Comes Ergadie, Cancellarius; Esme, Comes de Lennox; Robertus, Dominus Orknay; Willielmus, Dominus Ruthven; Joannes, Dominus Hereis; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Pettinweme; Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Advocatus. Holyrood-house, 14th December.

Johnne Durie, minister, "comperand personalie," according to summons, "wilfullie and contemptuuslie refusit to produce his said speking and meaning in write befoir his Majestie and Lordis foirsaidis, lichtleand and vilependand thairthrow his Hienes authoritie and lawis, to the evill exemple of utheris to do the like, gif this be sufferit to remane unpuneist." Therefore the macer of Council is ordered to charge the said Johnne Durie to enter in ward in Edinburgh Castle on Saturday next, 17th instant, "afoir the dounpassing of the sone," and to remain there upon his own expenses, until freed by the King, under the pain of rebellion. John Durie, minister, to be imprisoned for contempt.

Complaint of Dame Margrett Douglas, Countess of Boithuile, James Gledstanes of Coklaw, and Watt Scott of Hardanis, as follows:—Not only Martyne Ellott of Braidley "takis upoun him the plane ressett, fortificatioun, and mantenance of Lancy Armstrang of Quhittauch, his sonnes and brethir sonnes, the said Martenis awin sonnes, brethir sonnes, and the haill Ellottis of the Park and Gorinberrie, quha ar presentlie denuncit rebellis and at the horne;" but, on the 18th of October last, "Gawin, Hobbie, and Arche Ellottis, sonnes to the said Martyne, and Page 506. Archie, Gib, and Dandie Ellottis, his brethir sonnes, with thair com- Holyrood-house, 15th December. Complaint of the Countess of Bothwell, Gledstanes of Cocklaw, and Scott of Harden, of outrages and thefts by the Elliots.

plices, to the nowmer of xviii personis or thairby, of the said Martenis speciall causing, hounding, sending, command, assistance, and ratefication, come under silence of nicht to the toun and landis of Harrett, pertening to the said Dam Margrett in lyfrent, and to the Lard of Bukcleuch, hir sone, in heritage, and thair thiftuuslie staw, reft, and awaytuke xl ky and oxin, quhairof thair wes slane and disponit upoun in the said Martenis awin house of Braidley fouretene ky and oxin." Further, "the foirsaidis personis, accumpanyte with Jok Ellott, callit Copschaw, and the said Lard of Quhittauchis sonnes and servandis, come to ane uther rowme of the said Dam Margrettis, callit Slaid . . , upoun the sevint day of November instant, and thair thiftuuslie staw, reft, [and] awaytuke twelf ky and oxin, and left ane of hir servandis lyand for deid; and, upoun the twelft day of October, the saidis personis come to ane uther steding of hirs, callit Quhitelaw, and thair thiftuuslie under sylence of nicht staw ane hundreth scheip, pertening to Johnne Gledstanes, hir servand; as alsua the saidis personis come to ane steding pertening to the said James Gledstanes of Coklaw, and thiftuuslie under silence of nicht sta, reft, and awaytuke twenty ky and oxin and twa horse, with his pure tennentis haill insicht guidis and plennesing; and, siclike, upoun the nynetene day of November instant, the said Lancy Armstrang of Quhittauch, with his sonnes, servandis, and freindis, togidder with the sonnes and brether sonnes of the said Martyne Ellott, accumpanyte with the force of the haill outlawes, come under silence of nicht to ane rowme of the said Watt Scott of Hardanis, callit Hoscot and Hoscotrig, and thair thiftuuslie sta, reft, and awaytuke foure scoir ky and oxin, sex horse and meris, and the insicht and plennesing of foure of his pure tennentis houssis, to thair utter wrak and herschip."—To answer these charges there had been summoned "the said Martyne Ellot of Braidlie, Lancy Armstrang of Quhittauch, Gawin, Hobbie, and Arche Ellottis, sonnes to the said Martyne, Arche, Gib, and Dandie Ellottis, his brethir sonnes, and ~~Jok Ellot, callit Copschaw~~," all under pain of rebellion; and now, "the said Dam Margret Douglas, Countesse of Boithuile, compeirand personalie for hirself and remanent compliners abonewritten, and the said Martyne Ellott comperand alsua personalie, and the saidis Lancy Armstrang, Gawin, Hobbie, and Arche Ellottis, Gib and Dandie Ellottis, being oftymes callit and not compeirand," the order is that the defaulters be denounced rebels, and put to the horn and to escheat. Acta 1579–

Holyrood-house, 19th December.

Exoneration of Hume of North Berwick Mains in his mission to England.

Alexander Hume of Northberwickmanis "having exponit and declarit the forme of his procedingis and negotiatioun with the Quenis Majestie of England and hir Counsale" [*ante*, p. 328], the Lords of Privy Council declare that he has "trewlie, honestlie, and diligentlie performit and dischargeit his charge and devoir in the maters committit to his credite," and accordingly exonerate him thereof. Page 507.

The King, "following the privilege of the commoun law grantit to

1579-81. minouris," revokes all gifts and dispositions made to Captain Andro Lamby "of the capitanrie and keping of the palace of Linlythgow, park, peill, and loch thairof, and dewties appertening thairto." Revocation of keepership of Linlithgow Palace.

Complaint of Margret Noble, relict of the late of William Symple of Cathcart, as follows:—"Scho hes all and haill the fourty schilling land of the Mekle Manis of Cathcart pertening to hir in conjunct fie and lyfrent," and has been in peaceable possession thereof since her husband's death. "Notwithstanding, Gabriell Symple, now of Cathcart, hir guidsone, havand mair respect to his awin particular advantage and commoditie nor to the feir of God and lawis of this realme, hes not only troublit and persewit hir wranguslie be the law, calling hir just title in questioun, bot als, be way of deid, hes divers and sindrie tymes bereft hir cornis, eittin and distroyit the same with hors, strickin hirself and hir servandis, reft and taken the sowme of fyve hundreth merkis money at a tyme fra hir, and hes minassit to schute hir throw the body with a pistolett, haldand the samyn to hir wemb maist cruellie." Having applied to the Lords of Session, she had "obtenit letters of lawborrowis upoun him; efter the execution quhairof, he with his complices, upoun the morne thairefter, being the twelft of October last bipast, come to hir duelling place of the Manys of Cathcart and to the bern thairof, quhair hir servandis wes workand, and perforce held thame thairintill quhill he neid, naillit and lockit the duris thairof, and immediatlie thairefter come to hir hous and cuttit doun the durris thairof with hewin axis, enterit perforce thairin, pat violent handis in hir persoun, harlit her up and doun the hous, and maist schamefullie straik and dang hir in all the partes of hir body, in sic sort that thay left hir lyand for deid; of quhilk scho is nevir able to convales nor mend, scho being birsit sa that in effect scho is not able to steir hir body for the vehement pane and dolloure thairof, bot wes borne thairefter to Glasgow in ane hors littar. And, not being satiat thairwith, the said Gabriell and his complices violentlie ejectit hir and hir servandis furth of hir said hous, hes intrusit himself thairinto, and mellit and intromettit with hir haill insicht guidis, plennesing, gold, silver, jowellis, cornis, cattell, and haill thing pertening to hir, brokin up hir chalmer durris, coffers, and kistis to that effect, to hir utter wrak and herschip, being a pure wedow, having nathing left hir quh[airwith] to be sustenit."—The said Gabriell Symple having been warned to answer this complaint, and he and the complainer being both personally present, the Lords, after hearing parties, "remittis that part of the said complaint tueching the intromissioun with the saidis cornis, sowmes of money, and utheris guidis and geir abonewrittin, to be persewit befoir the judgeis competent thairto as accordis," but order the defendant "to find souirtie actit in the buikis of Secrete Counsale" that the complainer shall meanwhile be no more molested in her possession of the said land by him or his servants, all without prejudice to the legal rights of either party. Holyrood-house, 24th December. Margaret Noble against her stepson, Gabriel Semple.

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Holyrood-house, 26th December.

Petition of John Ramsay of Dalhousie for suspension of escheat.

Complaint by Johnne Ramsay of Dalhoussy, as follows:—Although he had duly appeared before the King and Council, as charged, to answer the accusations made against him by Richard Abircrummy, burgess of Edinburgh, and others [*ante*, p. 109], yet, as he is informed, Johnne Mosman, sheriff-clerk of Edinburgh, had negligently inserted him, as denounced a rebel for non-appearance, in the extract of letters of horning from the sheriff-books made for delivery to his Majesty's treasurer. In consequence of this mistake, "the said thesaurer hes obtenit his Hienes utheris letters, to intromet with the said Johnnes guidis and geir as eschete;" and the prayer now is that, inasmuch as the complainer did actually appear as charged, these other letters of distraint may be suspended simpliciter. The treasurer and the sheriff-clerk had been summoned in the case, "the said thesaurar bringand with him the saidis letters purchest be him, and the said schiref clerk the schiref buke contenand the register of the saidis utheris letters of horning and executiounes thairof;" and now, both of these appearing, and the sheriff-clerk having "confessit that he negligentlie insert the name of the said Johnne Ramsay as our Soverane Lordis rebell in the said extract," the Lords suspend the letters complained of simpliciter as desired. Acta 157

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Lady Wamphray against John Johnston in Howgill.

Complaint by Margret M^cClellane, Lady Wamphray, as follows:—"Scho is lyfrentar of all and haill the landis of Leverhay in Wamphray as principall part of hir leving, and wes in possessioun thairof fra the deceis of umquhile James Johnnstoun of Wamphray, hir spous, quhill xx yeris syne or thairby [*see* vol. i. p. 109, and vol. ii. p. 724], that Johnne Johnnstoun in Howgill, maisterfullie and be way of hamesuckin, come to hir saidis landis, cruellie brint the haill biggingis thairof, cuttit doun the haill woddis of the samin, dang and waistit hir tennentis, and continewallie sensyne violentlie occupeit and withheld the samin fra hir and haill proffites thairof, extending to great quantitie." She had complained in December last to William, Lord Ruthven, his Majesty's lieutenant and justice for the time; "and the said Johnne Johnnstoun of Howgill then fand Johnne Johnnstoun of that Ilk and Andro Johnnstoun of Lokarbie, with himself, cautioners and souirties conjunctlie and severalie for payment and satisfactioun of the said Margret, as ane act of adjornall maid thairupoun beris; upoun the quhilk the said Lord Ruthven, as lieutennent and justice foirsaid, directit his precept to poind the said Johnne Johnnstoun in Howgill and his souirties foirsaidis respective, conjunctlie and severalie, and thair reddiest guidis and geir, to the avale and quantitie of the proffites and sowmes of money contenit in the said precept, quhilk is direct to the Warden of the West Marches and Justice within the samin present and being for the tyme, viz., the Lard of Johnnstoun. To quhom the said Margret presentit the said precept upoun the fyftene day of August last bipast at the place of Lochmaben; quha alluterlie refusit to accept hir said precept and to put the samin to dew executioun in all pointis efter the tennour thairof; and sua he hes planelie contempnit the

1579–81. command of his Hienes lieutennent foirsaid and his Majesties authoritie and lawis."—To answer this complaint there had been summoned the said Johnne Johnnstoun of that Ilk, Andro Johnnstoun of Locarbie, and Johnne Johnnstoun, callit Jok of Howgill, with special charge to the
Page 510. first "to have enterit and presentit the said Jok of Howgill;" and now, "the said Margret Makclellane comperand personalie, and the said Johnne Johnnstoun of that Ilk being alsua personalie present, and the saidis Andro Johnnstoun and Jok of Howgill being oftymes callit and not comperand," the Lords "ordanis letters to be direct, chargeing yit as of befoir the said Johnne Johnnstoun of that Ilk to put the said precept, gevin and direct be the said lieutennant in maner foirsaid, to dew execution in all pointis conforme to the tennour thairof betuix the dait heirof and the xx day of Januar nix to cum, or ellis to enter and present the said Johnne Johnnstoun, callit Jok of Howgill, personalie befoir our Soverane Lord and Lordis foirsaidis the same day, to the effect order may be taken with him as appertenis, under the pane of rebellioun, etc."

Sederunt—Colinus, Comes Ergadie, Cancellarius; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Allanus, Dominus Cathcart; Robertus, Dominus Orchadensis; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Pettinweme; Clericus Registri; Clericus Justiciarie; Advocatus. Holyrood-house, 5th January.[1]

Whereas, "be the delay of holding of justice courtis within the boundis of the West Marches of this realme [*ante*, p. 332], not only is his Hienes gude subjectis hinderit of justice, and wantis redres of the guidis Fresh proclamation for a Court of Justice at Dumfries, and for a muster of fencibles there.

[1] In the interval between this Council meeting and the preceding there had occurred the memorable arrest of ex-Regent Morton. On Saturday, the 31st of December 1580, as the authorities tell us, Morton had taken his place, as usual, at the Council table in Holyroodhouse, the King being present. After some unimportant business had been transacted, the usher entered and announced that Captain James Stewart (*ante*, p. 323, footnote) was at the door and craved an audience. No sooner had he been admitted than, advancing to the table, and falling on his knees before the King, he declared that his duty had brought him there to reveal a wickedness too long obscured, and denounced "that man now sitting at this table," pointing to Morton, as having been accessory to the murder of the King's father. Morton behaved courageously, and there was an interchange of some vehement sentences between him and Stewart, threatening to end in a personal encounter, when, on the advice of the Justice Clerk, it was decided that, as Morton had been accused of high treason, he must be committed to ward, to take his trial regularly. That night and the next day he was kept in custody in his own lodging in Holyrood; and on Monday the 2nd of January, between eleven and twelve o'clock, he was conveyed up the Canongate and High Street to prison in Edinburgh Castle. So, more or less minutely, all the authorities relate the occurrence—from contemporary letters and the Diary of James Melville, through Spotswood and Calderwood, to Tytler and Mr Hill Burton—all making the arrest take place at a meeting of the Council. As there is no record in the Register of any such meeting of Council in the end of December, 1580, one must infer that any other business then transacted was not thought worthy of minute, and that this accusation and arrest of Morton was regarded as an incident *sui generis*, beyond the registering clerk's duty. This is not the only instance in which what passed at a Council meeting, or even the fact that there was a Council meeting, seems to have been left quite unrecorded.

and geir stowin fra thame be the thevis and brokin men, inhabitantis within the saidis boundis, bot als the same thevis is encouragit and takis the gretar bauldnes to continew in thair thiftuus and wickit dedis, to the great hurt of the common weill of this realme," for remedy it is ordered that Johnne Johnnstoun, Warden of the West March, shall hold a justice court at Drumfreis upon 10th February next, Sir Lues Bellendene of Auchnoule, justice-clerk, attending the said court, "to se justice dewlie ministrat, and that everie landislord, barroun, and utheris do thair dewtie in presenting of thair men, tennentis, and servandis to justice, conforme to the generall band and lawis of this realme, as alsua concur and assist the said warden and justice in persute of sic as sal happin to be fugitives and inobedient fra the said Court." Proclamation of the premisses is to be made at the market crosses of Drumfreis, Wigtoun, and Kirkcudbright; and the fencibles within the shires of Drumfreis and Wigtoun, and stewartries of Kirkcudbricht and Annanderdaill, are to meet the warden at Drumfreis on 15th February next, to the effect above written, having provision for fifteen days. Acta 15 Page 51

Holyrood, 9th January.

Mr Archibald Douglas denounced rebel.

Mr Archibald Douglas, parson, of Glasgow, is denounced rebel for not appearing before the Council according to the charge given him, "to have answerit to sic thingis as suld have bene laid to his charge and inquirit of him at his cuming."[1]

Discharge of outgiving of extracts of the Treasurer's accounts to parties interested.

Supplication of William, Lord Ruthven, treasurer, as follows:—In his last accounting to the Lords of Exchequer upon 1st January inst., he is "superexpendit" the sum of £36,000 or thereby, "the occasioun quhairof is be certane preceptis directit be his Majestie for answering of sindrie his Hienes servandis of divers great sowmes of money, quhilk his Majestie forcit the said thesaurar to tak allowance of in his said compt; and now the saidis personis, obteners of the saidis preceptis, having anis gottin the same allowit, ceissis not daylie and hourelie to crave payment thairof; as alsua preissis the clerk of register and his deputis, keparis of the rollis, to extract to thame the just extract of thair allowance in his said compt, that they may obtene lettirs aganis him thairupoun:—quhilk is to his great hurt and far by reasoun, that he suld be compellit to pay ony thing tane allowance of quhill the same may be payit of his Majesties awin geir." His prayer, therefore, is that he "mycht have command to the clerk of register and his deputis, keparis of the rollis, that thay gif

[1] The Mr Archibald Douglas here designated only by an important ecclesiastical benefice which he had held since 1571, and his title to which had been a matter of dispute (*see* vol. ii. pp. 9–80 and 114, 115), was more conspicuous as one of the Lords of Session or Senators of the College of Justice and a trusted kinsman of Morton. Captain Stewart had expressly denounced him, along with Morton, in the Council meeting of the preceding Saturday, as also guilty of concern in the murder of the King's father; and he would have been now under arrest, together with Morton, had not a friend "bursted two horse" in galloping from Edinburgh to give him warning at his country residence of what had occurred. He had escaped to England.

1579–81. na extract of na precept nor uther thing allowit in his said last compt, nor nane uther of his comptis preceding, to na maner of persoun, quhill he be compleitlie payit of his said superexpenssis, at leist unto sic tyme as his Hienes and the saidis Lordis suld appoint."—This supplication having been considered, the Lords, "in respect of the said superexpenssis, dischargis the said clerk of register and his deputis of geving furth autentiklie ony extractis of the said thesaurars last compt, nor na uther his comptis preceding, to quhatsumevir persoun or personis the samin is allowit, unto the xi day of November nix to cum in the yeir of God
Page 512. j^{m}v^{c}lxxxi yeris, dischargeing the said Clerk of Register and his deputis heirof as said is and of thair offices in that part."

Holyrood-house, 10th January. Captain Andrew Lamby, Lord Robert Stewart, and Linlithgow Palace.

At the instance of Captain Andro Lamby, Lord Robert Stewart, feuar of Orknay and Zetland, had been charged to appear this day, "bringand with him the letters purchest be him for randering of the palace of Linlithgow, with the executioun and indorsation thairof," that the same might be considered, as well as the prayer of the Captain that the consequent process of horning against him should be suspended simpliciter [*ante*, p. 336 ?]. Both parties being now present, and having been heard, "the Kingis Majestie, with avise of the saidis Lordis of Secrete Counsale, findis the saidis letters direct for randering of the said palace to the said Lord Robert to be orderlie procedit, and thairfore ordanis the samyn to be put to further executioun in all poyntis, conforme to the tennour thairof."

Ratification of gifts made by the King to James Murray, Master of the Wardrobe.

Consideration of "his Hienes promeis maid to his weilbelovit servitoure James Murray, maister of his garderob, of the gift of the tak of the teindis of the kirk of Carlouke, *alias* callit the Forrest Kirk, quhilk pertenit sumtyme to Robert Hammyltoun of Dalserf, and of all utheris his guidis and geir, takkis, stedingis, rowmes, and possessiounes, quhilkis pertenit to the said Robert, and now ar becumin in his Hienes handis be proces of horning and forfaltour orderlie led aganis the said Robert" [Acts of Parl. 1579, c. 1, 5, iii. 125, 129–135, 137]. The Lords perfectly understand that the King, "the tyme of the making af the said promeis be his awin mouth," discharged the Treasurer and his deputies from passing any other gift to the contrary, and also that, by his letters under the Privy Seal, he has "grantit and disponit to the said James, his airis and assignais, the gift of the said Robertis eschete of all takkis, stedingis, rowmes, and possessiounes to him pertening, and namelie of the teindis of the said kirk of Carlouke." On the other hand, "his Hienes and Lordis of Secrete Counsale are informit that questioun is movit to the said James be Johnne Carmychaell, younger, of that Ilk, upoun the richt of the teindis of the said kirk, be cullour of ane uther gift maid to him thairof." This gift, if any such be, has been obtained without Murray's knowledge, and against his Majesty's direction; and his Majesty holds that it "can not stand with his said promeis and honoure." Accordingly, his Majesty now, with advice of his Council, "ratefeis and

apprevis the said first gift maid to the said James Murray of the said Robertis eschete in all poyntes and claussis thairof; and, be the tennour of this present ordinance, of new gifis, grantis and disponis the samin to the said James, his airis and assignais, with supplement of all faultis and imperfectiounes, gif ony be; and willis and grantis that this his Hienes ratificatioun and new gift be als sufficient to the said James in all respectis as gif the samin had bene gevin immediatlie efter the dait of the said horning and forfaltoure led aganis the said Robert." Further, "his Hienes, with avise foirsaid, be thir presentis, requiris the Lordis of Counsale and Sessioun to admit the said gift maid to the said James Murray upoun the sicht of this present ordinance and na uther, siclike as gif the said James had new gift obtenit under his previe seill,—for sa is his Hienes will and pleasour in the assurance of his honoure and promeis maid to the said James as said is,—and willis the saidis Lordis of his Counsale and Sessioun to gif full credite to his Hienes report in mantenance of his promeis maid to the said James in the word of ane Prince, as said is.—Subscrivit be oure said Soverane Lord and Lordis of Secrete Counsale, day, yeir, and place foirsaid, and of his Hienes regnne the fouretent yeir." Acta 15 Page 51

Holyrood-house, 12th January.

Complaint of the provost, bailies, council, and community of St Andrews, and of the commissary of the same and his clerk, respecting the dismember-ment of the Commissary-ship.

"Anent oure Soverane Lordis letters raisit at the instance of the provest, baillies, counsale, and communitie of the citie of Sanctandrois, Maister William Skene, commissar thairof, and Maister David Russell, clerk of the said commissariat, makand mentioun that, quhair in the moneth of Julii last bipast, the saidis compliners being then crediblie informit that the Lordis of Sessioun intendit to dismember the jurisdictioun of the said commissariat be taking thairfra the boundis of Angus, Cars of Gowry, and Bra thairof, being the twa part of the said jurisdictioun and mair, thay menit thameselffis to oure said Soverane Lord and Lordis of his Hienes Secrete Counsale be thair supplicatioun presentit to that effect, exponing that, gif ony sic thing suld tak effect as wes intendit, it suld redound to the utter herschip of the haill inhabitantis of the said citie. Upoun the quhilk supplicatioun the saidis compliners obtenit utheris [letters?], charging the saidis Lordis of Sessioun to compeir befoir his Hienes and the saidis Lordis of Secrete Counsale at ane certane day now of lang tyme bygane, to have hard order taken thairanent as accordit, and discharging the saidis Lordis of Sessioun of all passing of ony presentatioun in prejudice of the saidis compliners quhill order suld be tane be thame thairanent as said is, as in the saidis utheris letters and charge past thairupoun at mair lenth is contenit. Nottheles, by and besides the knawlege of his Hienes and the saidis Lordis of Secrete Counsale, and of the saidis compliners, the saidis Lordis of Sessioun had past and grantit ane presentatioun in favouris of Maister Hercules Rollok of ane new commissariat to be erectit within the burgh of Dundie, contening the saidis boundis of Angus, Cars of Gowrie, and Bra thairof: quhairupoun the said Mr Hercules, in tyme of vacans, hes sensyne obtenit his Hienes

cta 1579-81. gift and commissioun be sinister informatioun *tacita veritate*, geving him pouer and jurisdictioun to sit within the said burgh of Dundie within the haill boundis abone-expremit; and be virtew thairof intendis to usurp the said pretendit new erectit jurisdictioun, without his Hienes and the saidis Lordis of Secrete Counsale provide remeid thairto. And, considering it is of veritie that, lang befoir the impetrating of the said pretendit presentatioun and commissioun foirsaid following thairupoun be the said Maister Hercules, the said Maister William Skene, commissar foirsaid, and the said Maister David Russell, his clerk of court, wer dewlie and lauchfullie providit to thair saidis offices of the commissariat and clerkschip of Sanctandrois respective, within the boundis of the diocy of Sanctandrois upoun the north syde of the Wattir of Forth, quhairof the boundis abone-writtin is ane part, and in peciable possessioun of using and exercing of thair saidis offices be virtew of thair saidis giftes be the space of sextene yeris last bipast with the mair, but impediment, nather the said commissar, nor his clerk foirsaid, nor yit the inhabitantis of the said citie in quhais favour the privilege of the said jurisdictioun wes grantit fra the begynnyng for thair interes, being callit to that effect. Quhairfore of all equitie and ressoun the said pretendit presentatioun sua impetrat be the said Maister Hercules as said is, with the pretendit commissioun following and proceding thairupoun, aucht and suld be suspendit simpliciter, and the said Maister Hercules, his pretendit clerk, gif he ony hes, and members of court quhatsumevir, aucht and suld be inhibite and dischargit fra all using and exercing of the said commissioun in tyme cuming. And anent the charge gevin to the said Maister Hercules Rollok, impetratour of the said pretendit presentatioun and commissioun, Maister William Baillie, president of the College of Justice, Alexander Hay, clerk of
Page 514 Register, Maister Thomas Bannatyne, Adam, bischop of Orknay, Maister Thomas Makcalyean of Cliftounhall, Alexander Dumbar, dene of Murray, Sir Richard Maitland of Lethingtoun, knycht, Patrik Vaus of Barnbarroch, Maister Robert Pont, provest of the Trinitie College, William Douglas of Quhittinghame, and James Meldrum of Segy, senatouris of the said College of Justice, granteris thairof, to have compeirit befoir our Soverane Lord and Lordis of Secrete Counsale at a certain day bipast, to have answerit at the instance of the saidis compliners, that is to say the said Maister Hercules bringand with him the saidis pretendit presentatioun and commissioun foirsaid, togidder with the saidis utheris letters, gif ony be, direct in fortificatioun thairof or publicatioun of the said gift, to have bene sene and considerit be his Hienes and the saidis Lordis of Secrete Counsale, and to have hard and sene the samyn, effect and strenth thairof, suspendit simpliciter in all tyme cuming, and the said Mr Hercules, his pretendit clerk, gif ony wer, and members of the court quhatsumevir, to have bene inhibeit and dischargeit fra all using and exercing of the said pretendit commission in ony tyme thairefter, lyke as at mair laith is contenit in the saidis letters. Quhilk being callit upoun the tent day of Januar instant, and the saidis Maisteris William Skene and

David Russell comperand personalie for thameselffis and in name of the saidis provestis, baillies, counsale, and communitie of the said citie of Sanctandrois, and the said Maister Hercules Rollok compeirand alsua personalie, and the said Maister William Baillie, Lord Provand, president, with certane utheris of the College of Justice, being likwyse personalie present: quha allegit that the presentatioun quhairupoun followit the erectioun of the said commissariat within the burgh of Dundie wes dewlie, lauchfullie, and orderlie gevin and directit be thame, as haveand pouer and commissioun grantit to thame be oure Soverane Lordis dearest father and mother to that effect; and, notwithstanding, for the bettir resolutioun and satisfactioun of his Majestie, the saidis Lordis of his Previe Counsale in this behalf wer content and cravit that the mater micht be remittit to the conference of certane of the saidis Lordis of the Previe Counsale to be nominat and appointit be his Majestie and utheris of the like nowmer to be nominat be the saidis Lordis of Sessioun, and to be reportit to his Hienes and the saidis Lordis of his Previe Counsale, to the effect thay micht then proceid as to thame suld seme maist expedient and aggreable to ressoun and justice. Quhilkis personis of equale nowmer of Previe Counsale and Sessioun being nominat and appointit as said is, and the said mater being at lenth ressonit and conferrit upoun be thame, at last it was reportit to the saidis Lordis of Previe Counsale this day, viz., the said xii day of Januar instant, that they fand that the saidis Lordis of Sessioun hes and had sufficient pouer be virtew of the said commissioun alsweill to place and displace the members as to alter the boundis of the said commissariat of Sanctandrois; and, notwithstanding, quhill the Kingis Majestie may be bettir informit of sic thingis as is requisite to be done for the weill of the cuntrie, ease of the subjectis, and the bettir adminstration of justice, wer content, lyke as the saidis Lordis of Secrete Counsale all in ane voce with thame declaris and ordanis, that the jurisdictioun of the said commissariat of Sanctandrois sall remane in the same estate that it is presentlie without alteratioun of ony part of the boundis thairof, and that the presentatioun and commissioun grantit to the said Maister Hercules Rollok thairupoun, with all that hes followit upoun the samin, sall ceis and have na further effect nor executioun in the meyntyme." Acta 1579–8

Holyrood-house, 13th January.

Appointment of William Ker, younger, of Cesfurd, as Warden of the Middle March, and Keeper of Liddesdale.

The country of Liddisdaill, which lies within the bounds of the Middle March, being "destitute of a kepar throw the dimissioun of that charge" by Johnne Carmichaell, younger, of that Ilk, and the lieges "hevelie oppresst, spuilyeit and troublit be thevis, revers, and evill doars inhabiting alsweill Liddisdaill as utheris partis of the Middle Marche," Williame Ker, younger, of Cesfurd, is nominated Warden of the Middle Marches, and all the bounds thereof,—viz., the whole shires of Roxburgh, Selkirk, and Peobles,—and Keeper of Liddisdaill in addition, and Justice within all the bounds foirsaid, "for the gude rule and quietnes within the same, apprehensioun and puneisment of thevis, tratouris, and male- Page 515.

Acta 1579-81. factouris, owther aganis the gude peace and amytie standing betuix his Hienes and his dearest suster the Quene of England, or his awin peciable and gude subjectis." Proclamation to that effect to be made at the market crosses of Jedburgh, Selkirk, and Peobles, and the lieges within the bounds foirsaid are to be charged to assist the warden in all things.

George Douglas, son and apparent heir of Frances Douglas of Borg, denounced rebel for not appearing before the Council as charged. To denounce George Douglas.

"The quhilk day William Ker of Cesfurd, younger, Warden of the Middle Marche of this realme foranent England, being desirit and burdynnit be the Kingis Majestie to accept the charge of the keping of Liddisdaill, comperit in presence of the Lordis of Previe Counsale, and declarit that he will not now (na mair nor of befoir) refuis to bestow himself and all him belangand in the avancement and furthsetting of his Majesties honour and service, with als little charge and expenssis to his Hienes as is possible, nawyse doubting of his Majesties favorable acceptatioun and remembrance thairof as tyme servis. And thairfoir oure said Soverane Lord, with avise of his said Previe Counsale, ordanis and commandis his Hienes commissioun of wardanrie and justiciarie within the boundis of the said Middle Marche and keping of Liddisdaill to be maid and exped to the said William in dew and competent forme as efferis; and, considering the present estate of the said Middle Marche and the occasioun of the stay of metingis and redres betuix the said Page 516. warden and the opposite warden of England, ordanis and commandis letters to be direct, to charge the personis fylit for quhom the said warden hes gevin his bandis, and thair landislordis and utheris that be the lawes and generall band suld mak thame answerable, to enter the saidis fylit personis to the said warden for releif of the Kingis Majestie [and hi]s officiar within sex dayis efter the charge, under the pane of rebellioun, and gif thay failye to put thame to the horne: speciallie Archibald, Erll of Angus, Lord Douglas and Abirnethie, for the entre of Jok Hall of the Clyntis, and Jok Hall, callit Paittis Jok; Walter Scott of Goldelandis, baillie, and appointit to answer for the landis and tennentis of the Lard of Bukcleuch, for the entre of Dand Davidsoun, callit Blak Dande, in Lempetlaw, and Richard Rutherfurd; the said Archibald, Erll of Angus, and the provest and baillies of Jedburgh, for the entre of Johnne Rutherfurd in Edyarstoun. Tueching the sindre deidlie feidis standand, and the great nowmer of billis thairthrow baith in Teviotdaill and Liddisdaill, the Kingis Majestie, with avise of the said Secrete Counsale, ordanis and commandis his said warden to collect the names of the rebellis and dissobedient personis within his charge, and to draw thame befoir him and the barrounes and cheif gentlemen of the cuntrie, and tak sic gude order with thame as salbe found maist expedient for thair obedience to his Hienes and his authoritie in tyme cuming, and for quieting of the particular debaittis and troubles amangis thamselffis, be taking of assurance or Acceptance by Ker of Cesfurd of the Keepership of Liddesdale, with instructions to him.

sic uther forme as salbe found maist convenient. And in the meyntyme Acta 1579–81.
his Majestie, with avise of his Counsale, will caus superceid the executioun of rigour of his lawis and justice aganis thame for sum ressonable space, and will command to dispens with the horning to sic personis as salbe thocht meit upoun the report of his said warden, alsweill for the slauchters and uther enormiteis committit in the said Middle Marche amangis the inhabitants thairof thameselffis as betuix thame and ony inhabitantis of the West Marche. For the present quieting baith of Teviotdaill and Liddisdale and retening of the same in quietnes heireftir, his Majestie, with avise of his said Previe Counsale, ordanis the said warden and justice to hald justice courtis sa oft as he sall think neidfull: at the leist foure tymes in the yeir, viz., upoun the first dayes of Maii, August, November, and Februar, gif thay be lauchfull, and, failyeing thairof, the nixt lauchfull dayes thairefter. And, becaus the first justice court can not convenientlie be upoun the first day of Februar now schortlie approcheing, that thairfoir it be proclamit to be haldin upoun the penult day of Marche nix to cum, and that all complineris gif in thair dittais to the said justice and warden and his clerkis fyftene dayes befoir the said first court, and alwyse be the space of fyftene dayes befoir everie court thairefter, to the effect that the personis complenit upoun may be arreistit, or thair maisters and landislordis chargit to present thame in dew tyme; certefeing all personis that gifis not in thair dittayis be the space of fyftene dayes befoir the court, they sall not be ressavit nor hard at that tyme. That the said justice and warden sall tak na mannis tennent or servand for executing of justice upoun him, except he be tane reidhand, without his master and landislord refuis or delay upoun requisitioun to mak him answerable and entir him to the law. And, to the effect that the said justice and warden may the bettir understand quhom to charge for the entrie of the personis complenit upoun, that, be advise of the schireffis, thair clerkis, and baronis and cheif gentlemen of the schires within the wardenrie, thair be a stent and retour of all landis within the same maid, alsweill haldin of oure Soverane Lord as kirklandis; and the warden to charge the immediat tennentis and the baillies of the kirklandis, and they to have like chargeis upoun the vassellis and fewaris gif neid be for thair releif, or to charge the personis complenit upoun thameselffis. That the justice and warden caus his clerk present himself every Monnonday in Jedburgh, in the tolbuith or sum uther publict place, to Page 517.
ressave dittay of the compliners quhatsumevir, that justice may proceid mair orderlie thairupoun, to the terrour of offendouris. And, for the bettir and mair spedie knawledge quhethir the vagabondis and utheris suspectit to be maisterles within the boundis of the said wardanrie salbe found obedient and answerable to the complaintis maid aganis thame, that the warden and justice caus charge sic personis of this qualitie as salbe gevin in bill to find souirtie within sex dayes that thay sall compeir and underly the law for sic crymes of thift and ressett of thift as thay ar suspect and dilatit of at the nixt justice court, under the pane of rebel-

Acta 1579–81. lioun and putting of thame to the horne; and, gif thay failye thairin, na responsall landit man acknawleging thame for his men, tennentis, or servandis, and gevand his lettir thairupoun to the said warden and justice, nor na uther responsall persoun becumand souirtie for thame, to entir thame to the said court under the panis contenit in the Actis of Parment, then thay salbe declarit fugitives, and thairupoun be denuncit rebellis and put to the horne, and that thairefter the said warden and justice searche, seik, persew, and puneis thame and thair ressetters according to the lawis of the realme. And, in cais ony personis duelland within the said wardanrie sal happin to allege thameselffis to stand in unkyndnes or feid with the said warden and justice, quhairthrow he may be suspect judge to thame, then, upoun thair supplicatioun to be presentit to his Hienes and his Previe Counsale, and sufficient souirtie found to mak thameselffis and thair men, tennentis, and servandis speciallie complenit upoun, obedient and answerable to his Hienes lawis, under sic panis as salbe thocht convenient, thay salbe exemit fra the commissioun and pouer of justiciarie foirsaid of the said Warden,—quhairunto he hes willinglie consentit. And yit, that thay sall not eschaip puneisment, being worthie thairof, his Hienes at the said nixt court and at everie ane of the saidis foure courtis to be haldin yeirlie heirefter, sall direct ane of his Hienes Councill or Sessioun, or sum nobleman or barroun in Fiffe, Lauthiane, or uther part of the inland, to sitt and do justice upoun the saidis exemit personis; and he salbe assistit to that effect be the said warden, the schireffis, and the utheris personis, baronis, and gentlemen within the wardanrie. That his Majesties effectuus letters be send to the wardanis of England or thair deputis, signifeing of his Hienes chois of his wardane of the Middle Marche to be kepar of Liddisdaill, and desiring thair concurrence and assistance in all thingis tending to the administratioun of justice and observatioun of the amytie, with letters alsua to the wardanis of the West and Eist Marche of Scotland, for concurrence with the said warden of the Middle Marche as they salbe requirit to the same effect, and speciallie that the rebellis and fugitives fled out of the ane wardanrie be not ressett or mantenit within the uther. That chargeis be direct aganis Johnne Carmychaell, younger, of that Ilk, and Robert Ellott of Reidhauch, for randering and delivering of the hous of the Armtage to the said warden, justice, and kepar of Liddisdaill, or to the officiar executour of the saidis letters to that effect. And, becaus the said wardane hes bene verie suumptuuslie superexpendit in the office of wardanrie in tyme bipast, haveand only ane hundreth pund for the same, and that the charge of keping of Liddisdale quhairwithall he is now burdynnit wilbe verie suumptuous to him, speciallie now at the begynning, thairfoir the Kingis Majestie, with avise of his Secrete Counsale, ordanis and commandis his Hienes thesaurar, being personalie present, to mak reddie and thankfull payment to his said Warden of the said sowme of ane hundreth pundis as for his ordinar warden fie, and of the sowme of fyve hundreth as for his ordinar fie for the keping of Liddisdale, that his Hienes be not fascheit

thairwith, nor his said Warden, throw the inlaik of payment, suld be constrenit to stay his proceding in his Hienes service. Quhilk the said Lord Thesaurar promises and undertakkis to do, and speciallie to pay and advance the first yeiris fie togidder to the said Warden at Fasterenis evin nix to cum." Acta 1579–81. Page 518.

Caution for entry of Martin Elliot.

Caution in £2000 by William Ker of Cesfurd, younger, warden of the Middle Marche and keeper of Liddisdale, for the entry of Martyne Ellott of Braidley before the Council when warned: wherefore William Stewart of Cavirstoun is discharged of his obligatioun for the entry of the said Martene.

Holyrood-house, 14th January.

Caution for Thom Armstrong.

Caution in £2000 by James Weir, younger, of Blakwood, for Thom Armstrang, son of Ninian Armstrang, of Auchinbadrig, that, on being released from ward in Edinburgh Tolbooth, he shall keep ward in the said burgh. James Colvile of Eist Wemys, and James Prestoun, apparent of Valayfield, are sureties for the relief of Weir.

Holyrood-house, 17th January.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esme, Comes de Lennox; Jacobus, Comes de Glencarne; Joannes, Dominus de Hereis; Andreas, Dominus Uchiltrie; Robertus, Dominus Orknay; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Deir; Commendatarius de Pettinweme; Rotulorum Computor; Clericus Registri; Clericus Justiciarie.

The Earl of Morton's friends and servants not to approach the King till the trial of the Earl is over.

"Forsamekle as, James, Erll of Mortoun, lord of Dalkeith, being dilatit and accusit in presence of the Kingis Majestie and Lordis of Secrete Counsale of certane crymes of treasoun and lesemajestie committit be him, he is committit to ward thairfore quhill he be tryit foule or clene of the same, according to the lawis of this realme, and seing he remanis chargeit of the saidis crymes and not dewlie tryit thairof, it is not convenient that his servandis, freindis, and familiaris repair to our Soverane Lordis presence and cumpany quhill the said triall; quhairfore his Majestie, with avise of the saidis Lordis of Secrete Counsale, ordanis letters to be direct to officiaris of armes, schireffis in that part, charging thame to pas, command, and charge James Douglas, priour of Pluscardin, George Douglas of Parkheid, his sonnes and servandis, Archebald Douglas, brother to the said James, Macolme Douglas of Manis, Reid Hecke Douglas, Archebald Douglas, sumtyme constable of the Castell of Edinburgh, George Auchinleck of Balmanno, Archebald Auchinleck of Cumlege, Johnne Auchinleck, thair brother, Johnne Makmoren, David Crawfurd, *alias* Blak Davie, Jokkie Douglas, sone to Maister Archebald Douglas, persoun of Glasgow, and all utheris the said Erlis servandis and propir dependers, be oppin proclamatioun at the mercat croce of the burgh of Edinburgh and utheris places needfull, to depart and pas hame to thair awin duelling houssis, or utherwise quhair they think meit, within twa Page 519.

Acta 1579–81. houris nixt eftir the publication heirof, and on nawyse to repair to his Hienes presence and court, or to the burgh of Edinburgh, or to ony uther place quhair thay sall understand his Majestie to be for the tyme, quhill the said triall be done, or that they have his Hienes expres licence with avise of his Counsale to the contrary, as thay will answer at thair perrellis, and under the pane to incur his Hienes indignatioun gif thay sal happin to do in the contrar."

Fresh order in the matter of private suits to his Majesty.

His Majesty is still "daylie fascheit with the indiscreit behaviour and dealing of sindrie his subjectis, quhilkis without reverence of his Hienes or acknawleging of thameselffis and the natour of thair sutis, and without respect of the tyme, place, and uther circumstances requisite, ceissis not to present thair signatouris, letters, and petitiounes, unto his Majesties self, and to urge the granting and subscriving of the same then instantlie, or his Hienes solemne promise thairupoun" [see *ante*, pp. 284, 326]. In this way "his Hienes bountefull gude natoure hes bene abusit greatlie in tyme bipast, to the incres of confusioun and disorder, and to the hurt and diminutioun of his Hienes proper rentis quhairupoun his estate and hous mon necessarlie be intertenyt." For remedy, it is now ordained "that the forme and ordoure following salbe observit and keipit heirefter, quhill his Majesties perfite aige of xxi yeris compleit:—That is to say, all personis having gift, grace, pensioun, or precept to sute of his Majestie, quhilkis thay desire to have exped gratis, or quhilkis payis not compositioun to his Hienes ordinar officiares, and is not presentit be thame, salbe socht and cravit be ane schort supplicatioun in write; and that nane presume to urge his Majestie then presentlie to subscrive thair lettir, or to mak ony maner of promeis be write or word to that effect, bot attend to the answer of thair supplicatioun. And, to the effect that everie thing cravit may ressave a dew answer howsone convenientlie may be, his Majestie will alwyise place the saidis supplicatiounes in his awin cabinet quhill the Weddnisday in everie oulk; at quhilk tyme his Majestie, calling unto him sic as he sall think meit and sall appoint for ordering of his effaires, may caus reid and considder the saidis supplicatiounes; and sic as his Hienes upoun ressonable consideratioun grantis, that it be written on the bak *Aggreit,* and sic as beis refusit, to be written on the bak *This may not be;* and sua the same supplicatiounes sa answerit to be deliverit to the parteis, and to be a testimony to his Hienes officiaris or Counsale of his Hienes mynd and pleasour in sic sutes; and his Majestie to be na further inoportunelie troublitt thairwith. And, in cais ony lettir, signature, or precept sal happin to be purchest of his Majestie utherwyse, that the samyn be estemit as privat and surreptiouslie purchest, and to be of nane avale, force, nor effect quhairevir it be presentit; and als that, the samin being tryit, it salbe a sufficient caus of revocatioun, reductioun, and annulling of the saidis letters, signatouris, or preceptis, summarlie quhairevir the parties will persew; with command alsua to the officiaris to quhom the saidis signatouris appertenis to cancellat and destroy thame."

Holyrood-house, 18th January.

Proclamation ordered in contradiction of rumours as to the cause of the imprisonment of Morton.

"Forsamekle as, James, Erll of Mortoun, lord of Dalkeith, being laitlie accusit and dilatit in presence of the Kingis Majestie and Lordis of Secrete Counsale, to have bene art and partaker of the tressonable murther of umquhile his Hienes dearest father, he wes thairupoun committit to ward to the Castell of Edinburgh, quhairin having remanit a certane space, is now, be directioun and commandiment of his Hienes and the saidis Lordis, appointit to be transportit to the Castell of Dumbertane;[1] and becaus his Majestie is informit that thair is sum brute raisit be sum malitious personis that the warding of the said Erll of Mortoun procedis rather upoun the invy of sum particular personis nor utherwyse upoun just ground of accusatioun; quhairunto becaus the simple and ignorant people may be movit upoun the suddane to gif credite, gif the trewth sall not be manyfest as it is in deid: his Majestie thairfore, with avise of the saidis Lordis, hes thocht gude, for satisfactioun of all gude men, to declare that the warding of the said Erlis persoun procedis not upoun the malice of ony particular persoun, but only be his Majestie, with avise of his haill Counsale resident with his Hienes, upoun the occasioun of his accusatioun first movit in thair presence as said is and na utherwyse; and thairfore his Majestie, with avise of the saidis Lordis, ordanis letters to be direct to mak publicatioun and intimatioun of the premissis to all and sindre his Hienes lieges, be oppin proclamatioun at the mercat croces of the principall burrowis of this realme and utheris places neidfull, quhairthrow nane pretend ignorance of the same." Acta 1579–81. Page 520.

Holyrood-house, 19th January.

Complaint of John Mackintalgart, servant to the Commendator of Saint Colme.

Complaint of Johnne Makintalgart in Bocastell, servant to James, Commendator of Sanct Colme, as follows:—On the 17th of November last, "Johnne Drummond of Drummernoch, Johnne Makgruder, sone to James Makgruder, servand to the Lord Drummond, Alexander Reiddoch, servand to the Lard of Cultilgragan, James Reiddoch, servand to William Reiddoch, Malcolme Closoch M°Grege, servand to the Lard of Calender, Allester MaKewin, servand to the Lord Drummond and his sone, and tailyeour Makwillie, houshald man to the Lard of Tullebragane, with utheris thair complices, come under silence of nicht to the said Johnnes duelling hous of Bocastell, and perforce reft, spuilyeit, and awaytuke ane hundrith pundis of reddie money, being in ane kist in his said hous, pertening to him and utheris nychtbouris, thre mylk kye, and all the said Johnnes insicht and plennesing of his said house, to his utter wrak and herschip; lyke as thairefter thay pat violent handis in the said Johnnes persoun, tuke him perforce with thame, and detenis and withhaldis him in strait prisoun and captivitie."—Charge had been given to the defendants to liberate the complainer within twenty-four hours, under pain of rebellion, or else to appear before the Council, presenting him, or showing cause to the contrary; and now, "the said Johnne Makintalgart comperand be the said James, Commendator of Sanct Colme, and the saidis Alexander

[1] He was removed from Edinburgh Castle this very day, to be in surer custody in Dumbarton Castle, of which Lennox was Governor.

Acta 1579–81. Reiddoch, Malcolme Closoch M^cGreger, Allester MaKewin, tailyeour Makwillie, Johnne Drummond of Drummernoch, Johnne Makgruder, and James Reiddoch, being oftymes callit and not comperand," the order is Page 521. made peremptory that they present their prisoner before the Council on the last day of January instant, "that ordoure may be taken with him as appertenis," under the pain of horning and escheat.

Holyrood-house, 20th January. King's tenants of East Bernis against the King's Comptroller.

Complaint by "the pure tennentis and fermorars of the landis of Eist Bernis, within the lordschip of Dumbar," that, whereas "thay have bene rentalers and auld possessoures of thair malingis and stedingis of the landis foirsaidis thir mony yeris bygane, and hes had thair rentalis thairof be the commissioners and comptrollar for the tyme grantit and maid to everie ane of thame for ane certane sowme of entrie and payment of the auld quantitie of victuall usit and wont," and whereas "thay have aggreit with Sir William Murray of Tullybardin, knycht, his Hienes present comptrollar, for rentalis to be maid to everie ane of thame of thair stedingis of the saidis landis, and hes maid payment to him of larger sowmes for thair entress nor evir hes bene payit in tymes bygane," yet, "he will not mak and deliver to thame thair rentalis for payment of the auld dewtie usit and wont, as they have had in tyme of comptrollaris in tyme bygane, bot wald gif thame takkis contening restrictiounes and services far by the tennour of the auld rentalles grantit in the tymes of his Hienes predecessouris and comptrollaris for the tyme, and quhairof thay wer nevir in use of befoir."—The Comptroller having been warned to answer, "and he comperand personalie, and Johnne Maislett, William Watt, Alexander Gulett, Patrik Brysoun, George Smyth, William Purves, Johnne Purves, Andro Mandersoun, Johnne Maislett, and James Skowgall, tennentis and firmorars of the saidis landis, being alsua personalie present," the Lords, after hearing parties, "ordanis the said Comptrollar to grant rentallis to the saidis compliners of thair malingis and stedingis conforme to thair auld rentalis quhilkis thay have had in tymes bygane, as he will answer to the Kingis Majestie thairupoun."

Holyrood, 21st Jan. Archibald Douglas denounced.

Archibald Douglas, sometime Constable of Edinburgh Castle, denounced rebel for non-appearance this day before the Council as charged.

Caution for Robert Gordon of Halhead and others.

Caution by Walter Ogilvie of Findletter and Mr Williame Gordoun of Page 522. Dalpersie, that Robert Gordoun of Halheid, Johnne Gordoun of Blalak, Alexander Vaus of Ruthvens, James Gordoun of Craigmylne, and George Gordoun, his son, "sall on nawyse invaid, trouble, molest, nor persew" Johnne Mortymer of Cragyvar, James Mortimer, his son and apparent heir, Henrie Boig, and William Irwing, each under the pain of £500. Gordoun of Blalak and Gordoun of Craigmylne subscribe "with oure handis at the pen" led by David Moysie, notary.

Suit of Sir William Lauder of Haltoun, as follows:—He had become

Suit of Sir William Lauder of Haltoun.

cautioner for the late James Wetherspune of Brighous, that he would pay Harie Drummond of Ricartoun £100, "in name and to the use and behuif of William Sandelandis, and Thomas Heart, in full contentatioun and assythment for the hurting, mutilatioun, and making of thame impotent" [*ante*, p. 206]. Being now pursued by Drummond for payment of the said sum, he pleads that the letters of horning raised against him have been "maist wranguslie purchest and execute." The deceased Wethirspune, he contends, had been under obligation either to pay the said sum or else enter himself within the tolbooth of Edinburgh by a certain day, "sua that, gif the said umquhile James Wethirspune had enterit within the samin tolbuith at the day foirsaid, conforme to the said Act, thair culd na executioun have bene had nor past for the said sowme of ane hundreth pundis. And trew it is that the said James non-entres at the said day stude not in his default, in respect that at the tyme contenit in the said Act, quhen the said umquhile James suld have enterit within the said tolbuith, he wes lyand bedfast, deidlie seik in the burgh of Linlythgow; of the quhilk seiknes he nevir convalescit, bot deit thairof, and thairfore of the law is excusable of his non-entres; and swa consequentlie nather he nor the said Sir William, his cautioner, wes bound to pay the said hundreth pundis." This defence it is urged, would have been sufficient to stay the granting of the letters complained of, had the complainer been summoned, as he ought to have been, and ought now to sustain the prayer made for their suspension.—Drummond had been charged to appear in answer; and now, both parties appearing personally, the Lords find the letters charging Drummond to pay the £100 to be "orderlie procedit, and direct," and therefore order them to be "put to further executioun in all poyntes, conforme to the tennour thairof, without prejudice alwyse to the said William to sute his releif of the said umquhile James Wethirspune as accordis of the law."

Acta 1579-81

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Johnston of that Ilk and Jock of Howgill.

Johnne Johnnstoun of that Ilk neither having appeared before the Council, nor having entered Jok of Howgill, as charged at the instance of Margret M^cClelane, Lady Wamphray [*ante*, p. 338], the said Johnnstoun is now ordered once more to put the precept "to dew executioun in all poyntes" within fifteen days, under pain of rebellioun.

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Holyroodhouse, 23rd January.

Caution for Arthur Hamilton.

Caution in 500 merks by Johnne Ros of Hanyng, for Arthoure Hammyltoun, called of Bothuilhauch, that he shall behave himself as a loyal subject, shall not reset Johnne, sometime Commendator of Abirbrothock, and Claude, sometime Commendator of Paislay, nor any of the declared rebels, murderers of the late king, and of the two regents, Lennox and Murray, and shall appear before the Council when warned.

Holyroodhouse, 24th January.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Hugo, Comes de Eglintoun; Jacobus, Comes de Glencarn; Joannes, Dominus Hereis; Robertus, Commendatarius Dumfermling; Marcus, Com-

a 1579–81. mendatarius Newbottle; Commendatarius de Sanct Colme; Commendatarius de Culross; Commendatarius de Pettinweme; Clericus Registri; Rotulorum Computor.

Aberdeen fishings, and George Auchinleck.

On supplication to the King and the Council with him, "at Dunnotter for the time in his last progress," the grant of fishings made to George Auchinleck of Balmanno, in prejudice of the privileges of the burgh of Abirdene, had been revoked and annulled on the 22nd of June last [*ante*, p. 294]. The said revocation, subscribed "James R., Montrois, Deir," is now ratified all points, with new annulment of "the said new pretendit infeftment of *de novo damus*, sa far as the samin extendis or may extend to the saidis fischeingis allanerlie, as gevin to the said George in his Majesties minoritie." It is also ordained that the former revocation and the present approbation of the same be ratified in the next Parliament.

ages 525–6.

Holyrood-house, 26th January. John Gordon of Cluny and his son, against the Bishop of Aberdeen.

Complaint by Johnne Gordoun of Cluny, elder, and Johnne Gordoun, his son, as follows:—Letters had been issued "chargeing the saidis compliners to desist and ceis fra all intromissioun with the teindschavis of New Abirdene of this instant crop and yeir of God j^{m}v^{c}lxxx yeris, at the instance of David, Bischop of Abirdene, allegeand him to have richt thairto, as ane part of the patrimony of the said bischoprik, and siclike to restore and deliver sa mekle of the saidis teindschaves ellis intromettit with be thame or ayther of thame to Gilbert Guthre and Archebald Douglas, messingerris, within thre dayes, under the pane of rebellioun and putting of thame to the horne" [*ante*, p. 131]. The Bishop, they are informed, intends to put the letters in execution; which will be most unjust, inasmuch as they had been obtained by the Bishop by "malitious and ungodlie circumventioun." The truth is that "William, last bischop of Abirdene, predicessoure to the said David, sett in tak and assedatioun to the said Johnne Gordoun, elder, and his assignais, all and haill the saidis teindschavis of New Abirdene for the space of xix yeris, thair entrie thairto being at the feist of Lammes j^{m}v^{c}lxxvi yeris, for the yeirlie payment of fourtie pundis money, as at mair lenth is contenit in the tak maid thairupoun; to the quhilk tak the said Johnne maid the said Johnne Gordoun, his sone, assignay, to the effect that efter his deceis he suld have sum commoditie to leif upoun; quha not only be virtew thairof become in possessioun of the saidis teindschaves of the lxxvi yeris crop, bot alsua obtenit a decrete befoir the commissaris of Abirdene aganis the parochiners of the said parochin for spoliatioun of the saidis teindschaves fra him of the crop lxxvii, and sensyne hes bene in continewall and peciable possessioun of the samin teindschaves." The Bishop had brought an action for reduction of this tack before the Lords of Session; and, seeing himself not likely to prevail, he "hes thocht easiest to him, be this maner of dealing to cum to the said tak, to bring the saidis compliners under the danger of horning." Had all this been known to the King and Council, the Bishop would have failed in his purpose; and, "gif sic forme of proceding

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be usit for chargeing of ony partie, but calling or warning of him to that effect, to leif his landis, rowmes, possessiounes or richtis, the inconvenient sall follow that ayther the partie salbe compellit to leif his just possessiounes, or ellis pas to the horne and sua tyne all that he hes; quhilk wilbe ane evill preparative to the liegis of this realme, speciallie quhen sa schort a terme as thre dayes ar gevin; within the quhilk it is impossible to thame to gett suspensioun, duelling sa far of as thay duell and the Secrete Counsale not sittand at all tymes: taking the benefite of the law fra his Hienes subjectis, quha, except thay be chargeit be his Majesties selff in ony of his awin actiounes, can not be denuncit upoun a simple charge of thre dayes, bot ane langer tyme to schaw thair obedience." For these reasons the prayer is that the letters and process of horning against the complainers be suspended.—The Bishop had been summoned to answer; and now, "the saidis Johnne Gordoun of Cluny, and Johnne Gordoun, his sone, comperand be Johnne Andersoun, thair procuratoure, and the said David, Bischop of Abirdene, comperand personalie," the Lords, after hearing parties and after production by Andersoun of "the said tak and assedatioun sett be the said umquhile William, last bischop of Abirdene, to the said Johnne Gordoun, elder," resolve, "in respect of the said tak standand unreducit," to suspend the letters and process of horning simpliciter, as prayed, "without prejudice alwyse to ayther of the saidis parteis to persew for the saidis teindis be virtew of quhatsumevir thair richtis and titillis befoir the jugeis ordinar thairto as accordis." Acta 1579 Page 528.

Holyrood-house, 28th January.

Charge to the Earl of Angus and others, masters of certain raiders into England, to present them before the Warden of the Middle March.

Nothwithstanding the King's "affectionat mynd and dispositioun to keip the peax and amytie betuix his Hienes and his dearest suster and cousine, the Quene of England," it appears that, on the 26th of the present month, James Davidsoun in Burnepeglo, called James of Birnyrig, Hobbe Davidsoun and Geordie Davidsoun, his brothers, Stevyn Rutherfurd, brother of Johnne Rutherfurd of Hunthill, Jokie Hall in the Clintis, Jokie Hall in the Sykis, David Ainslie of Thiksyde, Geordie Hall, brother to [Jo]ke Hall in Newbigging, Adie Hall, son of Arche Hall there, Raulphe Anislie of Cleithauch, Thom Reid of Corsinsyde in Rokiltoun, under the Earl of Angus, "past in feir of weir to the toun of Haithpule in the Eist Marche of England, and thair committit a great and notable attemptat, in prejudice of the peace and amytie, and in heich and manifest contemptioun of his Hienes and his authoritie." Accordingly, Sir Thomas Turnble of Beddroule, Richard Rutherfurd, provost of Jedburgh, and William Rutherfurd, bailie thereof, cautioners for the said James Davidsoun in Burnepaglo, Hobbe Davidsoun, and Geordie Davidsoun, are charged to enter them before the Warden of the Middle March at the next meeting with the opposite warden of the East March of England, "according to thair actis and bandis maid in the buikis of Secrete Counsale." Also Johnne Rutherfurd of Hunthill, and the provost and bailies of Jedburgh, masters of the said Stevin Rutherfurd, Archibald, Earl of Angus, master and landlord of the said Jokie Hall in the Clintis, Jokie Hall in the

ta 1579-81. Sykis, David Anislie in Thiksyde, George Hall, brother of Jokie Hall in Newbigging, Adie Hall, son of Archie Hall there, Raulphe Anyslie of Cleithauch, and Thom Reid of Corsinsyde, are commanded to enter their men before the said warden at the said meeting, under pain of being put to the horn. In like manner the said James Davidsoun of Birnyrig and "remanent personis abonewritten, committers of the said attemptat," are charged to present themselves before the said warden at the said meeting, under pain of rebellion.

Caution in £500 by Andro Burne in Leith for Mr Nicoll Burne, that he shall, within a month hence, depart this realm, and in the meantime do nothing in "prejudice of the present religioun presentlie professit." George Burne in Gogar, brother of Mr Nicoll, is cautioner in relief. Edinburgh, 29th January. Caution for Mr Nicol Burne.

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Johnne Drummond of Drummernioch, Johnne Makgruder, Alexander Reidoch, James Reidoch, Macolme Closoch Makgregour, Alester M^cEwin and his son, and tailor Makwillie, are denounced rebels for not producing Johnne Makintalgart before the Privy Council as charged [*ante*, p. 350]. Holyroodhouse, 4th February. John Drummond and others denounced.

The Justice Court proclaimed to be held at Drumfreis upon 10th of February inst. [*ante*, p. 339] is prorogued to the 20th March next; of which publication is ordered to be made by open proclamation at the market crosses of Drumfreis, Wigtoun, and Kirkcudbricht. Holyroodhouse, 6th February. Prorogation of Justice Court.

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Sederunt—REGE PRESENTE—Colinus, Comes Ergadie, Cancellarius; Esme, Comes Lennox; Jacobus, Comes Glencarn; Joannes, Comes Montrois; Willielmus, Dominus Ruthven; Andreas, Dominus Uchiltrie; Joannes, Dominus Hereis; Allanus, Dominus Cathcart; Magister de Marr; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Sanct Colmis Inche; Commendatarius de Culros; Commendatarius de Pettinweme; Clericus Registri; Advocatus. Holyroodhouse, 7th February.

The King and Council, "understanding that the thevis and disorderit people inhabiting the Marches of this realme foranent England hes begun of lait to mak divers incursiounes, stowthis, reiffis, and depredationes, not only upoun his Hienes awin peciable and gude subjectis, bot als upoun the subjectis of his dearest suster and cousine the Quene of England," and understanding also that "his said dearest suster, for the terrour of the saidis thevis and brokin men, and the saulftie of hir peciable and gude subjectis, intendis to place sum forces upoun the Bordouris," have resolved that a sufficient Scottish force shall be raised for service there. Proclamation is therefore ordered "to command and charge all and sindre his Hienes liegis within the boundis of the schirefdomes of Edinburgh principall, and within the constabularie of Hadington, Berwik, Roxburgh, Proclamation ordered over the whole realm for a general levy for service on the Borders.

Selkirk, Peobles, Lanerk, Drumfreis, Wigtoun, Air, Renfrew, Dumbertane, Tarbert, Striveling, Clakmannan, Kinros, Fyff, Perth, Forfar, Kincardin, Abirdene, Banff, Elgin and Fores, Narne, Invernes, and Cromartie, stewartreis of Stratherne, Menteith, Kirkcudbright, Annanderdaill, and baillieries of Kyle, Carrik, and Coninghame, betuix sextie and sextene yeris of aige, and utheris fensable personis, duelland alsweill to burgh as to land, within regalitie as rialtie, that thay and ilkane of thame, weill bodin in feir of weir, with fourty dayes victuallis and provisioun efter thair cuming, and with palyeonis and cariage to ly on the feildis, addres thameselffis to meit oure Soverane Lord and his lieutennent to be appointit to that effect at sic place or places as salbe certefeit be the nixt proclamatioun, on sex dayes warning, to pas furthwart as thay salbe commandit to the effect abonewrittin, under the pane of tynsale of lyff, landis, and guidis." Acta 1579.

Holyrood-house, 9th February.

Captain James Stewart admitted of the Council.

Captain James Stewart of Boithuilmure, tutor of Arran, having been elected and admitted "ane of the ordinar nowmer of his Hienes counsalouris," in room of Andro, Lord Stewart of Uchiltre, his father, who has demitted the same, gives his oath in the usual terms.[1] Page 531.

Supplication of Robert, formerly Bishop of Dunkeld, for some relief in his old age and poverty.

Supplication of Robert, sometime Bishop of Dunkeld, as follows:—In September 1570 he had found caution to remain in ward in Edinburgh, under pain of treason [see vol. ii. pp. 319, 521, 714]. He had remained there "divers yeiris thairefter during the lait troubles, louking daylie for his libertie, seing that he wes nevir convict, accusit, nor suspect of na cryme capitall then precedand." Nevertheless, he had been forfeited in the Parliament held at Striveling in August 1571, "for being in cumpany and remaning within the said burgh of Edinburgh with sic personis as rebellit aganis his Hienes authoritie for the tyme." Such company, it is submitted, "the said Bischop culd not eschew, becaus he wes wardit within the said burgh under the pane of tressoun as said is, and wes nevir,

[1] This new Councillor is the famous Captain James Stewart of Ochiltree, Lennox's agent and the accuser of Morton (*ante*, p. 323 and p. 339, footnotes), though he now appears with new designations. These are accounted for as follows:—He was "Stewart of Bothwellmuir," because of a charter of the lordship of Bothwellmuir and other lands in Lanarkshire, granted to his father Lord Ochiltree and himself in March 1579–80, and confirmed in August 1580. He was "Tutor of Arran," because there had recently been conferred on him the tutorship of the insane James Hamilton, third Earl of Arran, the nominal head of the great family of the Hamiltons, whose insanity had not prevented him from being involved in the wreck of the family fortunes and shattering of their estates consequent on the forfaulture and expatriation of his two brothers, Lord John Hamilton, Commendator of Arbroath, and Lord Claud Hamilton, Commendator of Paisley, in 1579 (*ante*, pp. 146, 178). Since then the Earl had been in harsh and miserable custody; and the tutorship of him as "a cognosced idiot," implying management of much of the Hamilton property, was a valuable acquisition. But it meant more than met the eye at first. There was a link of race between the Stewarts of Ochiltree and the half-royal house of Hamilton, of which the Captain meant to avail himself; and the tutorship of the insane Hamilton, the present Earl of Arran, was but a preparative for the assumption of the Earldom itself, as belonging of right to the Stewarts of Ochiltree, and not now to the Hamiltons. Meanwhile, it was a great step to be a Privy Councillor, and his father had retired to make room for him.

ta 1579-81. afoir the said Parliament, at na tyme fred nor relevit of his said ward; quhairthrow he micht not, for feir of the said pane, nother fle the cumpany of the saidis rebellious personis, nather yit micht he compeir in the said Parliament to have usit his lauchfull defenssis aganis the summondis of forfaltoure then persewit aganis him for being in thair cumpany, althocht he had maist lauchfull defenssis to have saulfit himself unforfaltit, being innocent, as is weill knawin, of all sic crymes as is contenit in the said summondis." In consequence of the forfeiture thus passed, "he hes bene continewallie sen the said moneth of August in the said lxxi yeir of God secludit fra his haill leving and movables, and thairby is sa far drawin in debt that he hes alluterlie tynt credite, and is brocht to sic extreme povirtie that, for want of meit, claith, and uther necessaris to his bodie, he hes contractit sic seiknes and inhabilitie of his persoun, beside his great aige, quhilk is ane seiknes incurable, that he can not lang indure." And now, "besekand his Majestie and Lordis of Secrete Counsale, for the reward of Almichtie God, to consider the premisses," he prays "that his Hienes, upoun his accustumed clemency, will tak sic order with him, quhill it sall pleis the Lord to tak him away and call him to his mercy, that he perreische not for want of his necessar sustentatioun; for, unles ordoure be tane heiranent, but all doubt he will die for hunger and want of uther sustentatioun necessar for his aige."—Charge had been given to James, the present bishop of Dunkeld, to appear and hear and see order taken in this matter of his predecessor's poverty; and now, "the said Robert, sumetyme bischop of Dunkeld, be the Kingis Majesties permissioun and tollerance of his speciall grace and mercy, comperand personalie, and the said James, bischop, comperand alsua personalie," the latter "producit the divisioun and assumptioun of the bischoprik of Dunkeld, extractit furth of the Register of the rentalis, declaring alsua how the said bischoprik is greatlie deteriorat and diminisit in the yeirly avale thairof be setting of the victuallis in few and takkis for silver payment in small quantitie, be geving out of pensiounes and dischargeis of the yeirlie rentis of the said bischoprik, beside the burding lyand on the said Bischop for the contributioun aucht to the College of Justice, for the furnesing of breid and wyne to the communioun of the commoun kirkis of the said bischoprik, for uphalding of the choris of the kirkis of the said bischoprik, and divers uther occasiounes." At the same time the said present Bishop of Dunkeld "offerit to submit himself to the will of his Hienes and his said Counsale to appoint, of the small thing that he hes of the said bischoprik, quhat his Hienes and Lordis foirsaidis plesis; not doubting bot thay will likwise tak order heirin that
Page 532. the uther personis that hes of the said benefice contribute in lyke maner." Considering this submission, with the present state of the bishoprick, "as alsua the great aige, impotencie, and necessitie of the said Bischop Robert, being ane gentleman borne of honorable parentis, and fallin in this great miserie not altogethir in his awin default, and thairthrow deserving the mair to be peteit, and that the said Bischop James hes sa far dampnifeit the state

of the said bischoprik in his tyme be his awin deid, and hes na functioun nor charge in the Reformit Kirk of this realme, for the quhilk the said bischoprik wes gevin him, and thairfore the les worthie to enjoy the haill patrimonie of the said bischoprik," the King and Council "decernis and ordanis the said Robert, sumtyme Bischop of Dunkeld, his factouris and servitouris in his name, to be answerit and obeyit of ane hundreth thre scoir foure pundis ten schillingis, money . . . thre bollis victuall, twa part meill, thrid part beir, and fyve ch . . . bollis twa firlottis hors corne, of the best and reddiest of the twa [pa]rt of the said bischoprik of the crop and yeir of God j^{m}v^{c} foure scoir yeris instant, and siclike yeirlie and termelie in tyme cuming at termes and tymes of payment usit and wount, during the lyftyme of the said Robert, Bischop of Dunkeld, and that the said James, present bischop of Dunkeld, other find souirtie to the said Robert, sumtyme bischop thairof, for payment to him of the . . money and victuall yeirlie and termelie during his lyftyme, or than mak sufficient assignatioun to him of samekle of the reddiest fre rentis of the said bischoprik, and to warrand the same unsett, sauld, assignit, or disponit to utheris. Attoure, oure Soverane Lord, of his speciall grace, royall poure and authoritie, rehabilitattis and restoris the said Robert, sumtyme bischop of Dunkeld, to his gude fame and warldlie honnoure, and gevis him pouer, be himself, his procuratouris and servitouris in his name, to stand in jugement, and to ask, crave, ressave, intromet with and uptak the said yeirlie dewtie of money and victuallis, acquittances, and dischargeis thairupoun to gif and deliver; quhilkis salbe als sufficient to the ressavers as and the samyn wer maid and subscrivit be the said James, bischop of Dunkeld, notwithstanding the said proces of forfaltoure or ony uther proces led aganis the said Robert,—quhairanent his Hienes dispenssis be thir presentis: requiring the Lordis of Counsale and Sessioun to grant and direct letters for answering and obeying to the said Robert, sumtyme bischop of Dunkeld, of the said yeirlie dewtie modefeit and appointit to him for his leving and sustentatioun during his lyftyme as said is, als frelie and lauchfullie in all respectis as gif he stude possest in titill of the said bischoprik, and this but prejudice of the gudewill and liberalitie of the noblemen and utheris that hes gottin fewis, takkis, and pensiounes of the said bischoprik toward sic cheritable support as it sall pleis thame mak to the said bischop Robert for his bettir sustentatioun in his auld aige, according to the gude exemple and fre offer of Williame, Lord Ruthven, his Majesties thesaurar, maid in respect of his possessioun of the kirk of Tibbermure, quhilk he hes of the said bischoprik."[1] Acta 1579-8

[1] The petitioning ex-Bishop of this entry was Robert Crichton, last Roman Catholic Bishop of Dunkeld. He has dropped entirely out of some of the lists of Scottish Bishops; but there are notices of him, both before and after the Reformation, in the previous printed volumes of this Register, in addition to those cited in the text. The "present" Bishop of Dunkeld, mulcted for something towards the support of his predecessor, was James Paton, appointed in 1573, and some time a Privy Councillor. (See vol. ii. as by index; also Calderwood.)

Acta 1579–81.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Jacobus, Comes de Glencarne; Andreas, Comes de Rothes; Robertus, Dominus Boyd; Willielmus, Dominus Ruthven; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Culros; Commendatarius de Sanct Colmis Inche; Commendatarius de Pettinweme; Clericus Registri; Computorum Rotulator. Holyrood-house, 25th February.

Page 533. Understanding, that "be the occasioun of sindrie deidlie feidis, quarrellis, and contraverseis, presently standing betuix divers personis induellars within Tindaill and Liddisdaill," the inhabitants of Liddisdaill and other parts thereabouts "ar stoppit to resort to the townes of Hawik and Jedburgh for bying of victuallis and doing of utheris thair lefull erandis and bissynes, as alsua to repair to Williame Ker, younger, of Cesfurd, warden of the Middle Marches and kepar of Liddisdaill, for answering and making redres for sic attemptatis as is committit to thame," the King and Council order letters "chargeing all and sindrie his Hienes liegis be oppin proclamatioun at the mercat croces of Jedburgh, Hawik, and utheris places neidfull, that they suffer and permit all and quhatsumevir personis induellaris within the boundis of Liddisdaill, not being declarit fugitives, to resort frelie to the saidis townes of Jedburgh, Hawik, and utheris partes thairabout, as alsua to our said warden and kepar at thair pleasour in tyme cuming, to the effect abonementionat, without stop, trouble, injurie, or persute." The penalty of disobedience is to be death. Order that none stop Liddesdale men from repairing to Hawick or Jedburgh, or to the Warden of the Middle March.

Complaint by "Jonet Wemys, the spous of Capitane David Murray of Hilfield, now presentlie in the partes of Flanders," as follows:—"Hir said husband, being in the toun of Burges in Flanders, bocht a schip of fiftie foure tun, callit the Mellingell," and put it in the charge of Johnne Jamesoun, "to have cumin to the said Jonet." It had arrived "at the port of Banff in Buchane, as port maist convenient for hir commoditie," though meant "to have cumit up the Firth and to the port of Leith, to have bene usit be hir to hir maist proffite and for relief of the said Capitane Davidis debt contractit be him." But "Maister Johnne Douglas in Abirdene, and Johnne Fordice, for quhat caus scho knawis not, hes, in the moneth of November last bipast, intromettit with hir said schip, and will not restore and deliver the samin to hir agane as the samin wes intromettit with be thame, to hir great hurt and hinderance and apperand wrak." To answer this complaint there had been summoned "Maister Johnne Douglas, Johnne Fordice, Johnne Andersoun, Thomas Kennet, George Grant, Andro Rodger, Gilbert Rob, *alias* Lausoun, and Johnne Ryot, intromettouris, stayers, and deteners of the said schip"; and now, "the said Jonet Wemys comperand personalie, and the said Maister Johnne Douglas being alsua personalie present, and the said Johnne Fordice, Johnne Andersoun, Thomas Kennett, George Grant, Andro Rodger, Gilbert Page 534. Rob, and Johnne Ryat, being oftymes callit and not comperand," the Complaint of Jonet Wemyss, wife of Captain David Murray, respecting a ship of hers.

Lords direct letters to issue charging Douglas and the rest peremptorily to deliver the ship to the complainer within forty-eight hours after they are charged, under the pain of rebellion and horning. Acta 1579–81

Caution for Jonet Wemyss.

Caution by Alexander Murray of Abirleidnoch, for the said Jonet Wemys, that she shall make the said schip, after it has been delivered to her, forthcoming to all parties having right to the same.

Holyrood-house, 26th February.

Taxation of £40,000 for resistance to English invasion.

Grant of a tax of £40,000, for the resistance of foreign invasion threatened by England, and for repression of broken men on the Borders: the Spiritual Estate to contribute three-sixths of the sum; the Barons, Freeholders, and King's property, two-sixths (10s. for every pound land of old extent); and the Burghs one-sixth: the King undertaking to grant no discharges. Several exemptions from the tax. [Printed in full in Acts of Parl. iii. p. 189].[1] Page 535. Page 536. Page 537.

Sederunt—Domini ut in die precedente [continued Convention of Estates].

Holyrood-house, 27th February.

Silver and gold coinage.

The "haill layit" money and other silver coinage (except the stamped placks and penny) to be reformed, and reduced to the fineness of eleven "deniers," with two grains of "remeid" of fineness; each oz. of silver parisien in coined money to be set forth for 44 s. Scots; a penny of gold to be struck of 21 carats, with two grains of remeid, five to the oz. Page 538.

[1] This was a Convention of Estates. No list is given of those present; but a space is left blank for inserting their names. The Convention marks a crisis in the relations between Scotland and England. The establishment of the Lennox supremacy in Scotland, signalised at last by the arrest and imprisonment of Morton on a capital charge, had roused the English Queen and her ministers, who regarded Lennox as an agent of the Pope and the Guises, sent into Scotland to bring about some revolution in the interests of the captive Queen Mary that should restore her to the Scottish sovereignty in "association" with her son. Hence, immediately after the news of the arrest of Morton, there had been orders to Lord Hunsdon to mass an English army on the border for the invasion of Scotland if necessary, and Randolph had been despatched as English envoy to the Scottish Court to labour for the overthrow of Lennox and the deliverance of Morton. The recent proclamation by the Scottish Council of a general levy of the forces of the realm (*ante*, p. 355), though it professed to be mainly for action against the border thieves, was really for resistance to the threatened English invasion; and the Convention had been summoned to supply the necessary money. The Convention was under some coercion, Captain James Stewart guarding the Abbey, and regulating the admissions. The great feature of the meeting was the presence of the English ambassador Randolph, who had already been in Edinburgh for about a month, contemptuously refusing all intercourse with Lennox, and remonstrating with the King privately. Having obtained permission to address the Estates, he did address them earnestly, though not till the Commissioners of Burghs had been removed, delivering to them also a paper entitled, "*The Intention of the Queen's Majestie of England, and her Offers to the King of Scotland.*" The purport of the address and the document was that "Monsieur D'Aubigny, a professed Papist," was misleading Scotland to her ruin; that the Queen of England would lend her best aid with money or with forces to extricate Scotland from his grasp and restore her to the right path of the English alliance; and that, for one thing towards this end, the Earl of Morton ought at once to be brought to a fair and open trial. The pleading was in vain; the £40,000 was voted; the English Queen refrained from the energetic interference she had threatened; and Lennox remained master in Scotland. (See Calderwood, iii. 487–495, with the striking English document there).

Acta 1579–81. paricii, and to have course for £4, 4s. [Printed in Acts of Parl. iii. p. 191].

Sederunt—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Dominus Robertus Stewart de Orknay; Allanus, Dominus de Cathcart; Commendatarius de Dumfermling; Commendatarius de Culros; Alexander, Magister de Mar; Clericus Registri. Holyrood-house, 1st March.

Lord Innermeath against James Gray and others.

Page 539. Complaint of James, Lord Innermeith, against James Gray, as follows:—Gray, who is still at the horn for divers crimes committed by him in 1579, including the slaughter of Thomas . . [see *ante*, p. 276], came, "under silence of nicht," upon the 3d February last, accompanied by Andro Gray of Dunnenald, James Ogilvie, chapman, Johnne Dik, servitor of the said James Gray, David Tod and Henry Bayne, servitors of the said Andro Gray, William Guthre, servitor of James Ogilvie of Balfoure, David Guthre of Tullois, and Patrik Grant, servitor of Robert Guthrie of Lunan, "with divers utheris thair complices bodin in feir of weir," to Reidcastell, "ledderit the same, enterit perforce thairintill, and put violent hands in the personis" of Johnne Turnble, David Quhite, Magdalen Leirmonth, and other servants of the said Lord, keepers of the said house, all of whom he still detains as prisoners.—The defendents had been summoned to answer, bringing their prisoners with them, under pain of rebellion; and now, "the said James, Lord Innermeith, comperand personally, and the said Andro Gray of Dunnenald being alsua personalie present, and the saidis James Gray, James Ogilvie, Johnne Dik, David Tod, Henrie Bayne, William Guthre, David Guthre, and Patrik Grant, being oftymes callit and not comperand, nor yit the foirsaidis personis taken and detenit in maner foirsaid being presentit and exhibite conforme to the said charge," the Lords order letters to issue to officers of arms, "chargeing thame to pas and denunce the saidis James Gray, Andro Gray of Dunnenald, James Ogilvie, Johnne Dik, David Tod, Henry Bayne, William Guthre, David Guthre, and Patrik Grant, oure Soverane Lordis rebellis, and put thame to the horne, and to escheit, etc."

Order to denounce Alexander Ross of Balnagowan.

Page 540. Complaint of Thomas, Commendator of Ferne, as follows:—It is not unknown to the King and Council "quhat barbarous cruelties, injureis, and intollerable oppressionis and bludesched," Alexander Ros of Balnagowne has committed [*ante*, p. 314], "not only upoun personis duelland upoun his aw . heritage, bot als upoun sindre utheris his Majesties gude subjectis du . est, sumtyme usurpand his Hienes authoritie in taking of fre personis [as prisoners] . . [a]nd detening of thame in ward in irnis, tormenting thame maist cruellie, com[pelling] thame be this extraordinar forme of doing, for feir of thair lyves, to aggre and fulfill quhatsumevir his unressonable desire; quhairthrow mony honnest houshalders hes bene compellit to skaill thair houssis and beg thair meit in

the cuntrie. Of quhilk nowmer nane hes gretar caus of complaint nor the said Commendateris pure tennentis of the abbacy of Ferne, quha at all tymes and is presentlie sa opprest and herreit be him that thay ar altogethir maid unable to occupy thair awin rowmes, far les to pay the said Commendater ony maill or dewitie, they being compellit to mak payment thairof to the said Alexander, and expreslie inhibite upoun pane of thair lyves onywyse to answer or acknawlege the said Commendater; be the quhilk forme of doing he is altogethir maid unable to pay our Soverane Lordis thrid, or utherwyse to sustene himself, his wyff, and famelie; being alsua constranit, for feir of his awin lyff, in respect of divers minassing wordis usit towardis him becaus he will not yeild to certane the said Alexanderis unressonable desires, to withdraw himself out of the cuntre."—The usual charge to appear and answer had been given to the defendant; and now, "the said Commendater of Ferne comperand personalie, and the said Alexander Ros of Balnagowne being oftymes callit and not comperand," the Lords order letters to issue charging officers to "denunce the said Alexander our Soverane Lordis rebell, and put him to the horne, and to escheit and imbring all his movable guidis to his Hienes use for his contemptioun." Acta 1579–81.

Holyrood-house, 3rd March.

Suit by the Bishop of Brechin as to an annual overcharge made upon him by the Collector-General.

Suit by Alexander, Bishop of Brechin, as follows:—"In the moneth of , the yeir of God j^{m}v^{c}lvii yeris, David Murray, brother german to umquhile Sir Andro Murray of Arngosk, knycht, being provisidit be his Hienes moder to ane yeirlie pensioun of fyve hundreth merkis furth of the fruites and rentis of the said bischoprik (quhairof the seat wes then vacand), he obtenit thaireftir, of the Estaitis and Nobilitie in the Parliament haldin in the yeir of God lx yeris, ane Act of Parliament in his favouris, declaring his provisioun thairof to be als valiable as the samin had bene confirmit in the Court of Rome; lyke as in December lxiiii yeris he obtenit confirmatioun of his said pensioun [recorded in Register of Privy Seal, xxxii. fol. 119 *b*], with supplement of new gift and dispositioun thairof efter the thriddis wer tane, to be frelie broukit be him, and, according heirunto, hes ay peciablie upliftit his said pensioun furth of the reddiest fruictes of the said benefice without payment of ony thrid, having obtenit divers decreitis baith contrar the parochiners of the landis and kirkis [pertening to] the samin to answer him of the said pensioun, as alsua aganis the collectoure-generall, that he sall not charge nor molest him thairin. And sua the said Bischop hes, ay sen the yeir of God j^{m}v^{c}lxxiiii yeris, bene compellit to pay the thrid of the said pensioun of v^{c} merkis; and, notwithstanding the thrid of the haill rentale of the said bischoprik is alwayis tane up be his Hienes collectoure-generall and his deputis, without ony respect or consideratioun of the said pensioun of v^{c} merkis tane furth of the haill fruites quhilk his twa part, being now of sobir yeirlie quantitie, payis yeirlie; and nather can the said Bischop have actioun aganis the said David for retentioun of the thrid of the said pensioun, in repect of the ordourlie Page 541.

Acta 1579–81. proceding of his richtis, Act of Parliament, and decretis of the Sessioun following thairupoun, nor yit will his Hienes collectoure generall defeis to him yeirlie sa mekle of the thrid of his benefice as the thrid of the said pensioun extendis, as he aucht and suld of law and ressoun, seing thair aucht na thrid be payit be the said Bischop, bot efferand to the twa part he possessis himself; lyke as his Majesties dearest father and mother, at his provisioun, considering his benefice to be reducit to small rent, faithfullie promittit *in verbo regio* to satisfie the said David for his said pensioun be benefice or utherwyse, within ane yeir thaireftir, as thair graces lettirs thairupoun schawin proportis; quhilk releif as yit is not maid to him."—That order might be taken in the matter, Adam, Commendator of Cambuskynneth, collector-general, had been warned to answer; and, he and the Bishop both appearing personally, the Lords, in consideration of "the foirsaid promeis in write maid be the Kingis Majesties father and mother," and of other reasons, "exoneris and dischargeis the said Bischop of samekle of the thrid of the said bischoprik as the thrid of the same pensioun will extend to, of the yeir of God j^{m}v^{c}lxxxi yeris, and yeirlie thaireftir, ay and quhill further order be tane with the haill thriddis of benefices within this realme." The collector-general and his deputies are to deal with the Bishop in future accordingly.

Holyrood-house, 4th March. Action by Lord Robert Stewart against Malcolm Douglas of Mains.

Action by Lord Robert Stewart, feuar of Orknay and Zetland, against Macolme Douglas of Manis for delivering to the said Lord and to the keepers of the castle of Blaknes "the great irne yett of the dungeoun, with ane hagbutt of found and uther graith and furnesing belangand to the said castell." Lord Robert appearing by James Stewart, his procurator, and Macolme Douglas by George Douglas, his procurator, it is alleged in behalf of the latter that he "hes ellis deliverit to the said Lord and his servandis in his name, keparis of the said castell, the haill guidis, geir, artailliarie, furnesing and utheris quhatsumevir pertening thairto, quhilk he ressavit within the samin, particularlie specifeit in ane inventar producit." To this it is replied for Lord Robert "that, albeit na mentioun is maid in the said inventar of the said irne yett, hagbut of found and utheris abonewrittin, yit it is of veritie that the samin wer deliverit thairefter be Alexander Stewart of Scottistounhill and his servandis in his name to the said Macolme and utheris in his name, as pertening properlie to the said castell, conforme to ane charge gevin be virtew of lettirs past under the Kingis Majesties signet and subscriptioun of James, Erll of Mortoun, Lord of Dalkeith, Regent for
Page 542. the tyme," and that they ought accordingly to be redelivered.—The Lords assign the 9th of March instant for farther hearing of the case, with production of writings and witnesses, without prejudice to either party meanwhile.

James, Commendator of Pettinweme, having reported to the Council

Holyrood-house, 6th March. Proceedings at the Court at Jedburgh.

the form of his proceedings at the Justice Court held at Jedburgh [*ante*, pp. 326, 328], the Lords declare that he "hes dewlie, honestlie, and diligentlie" discharged his office. Acta 1579 81.

Holyrood-house, 9th March.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Allanus, Dominus Cathcart; Alexander, Magister de Mar; Commendatarius Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Pettinweme; Commendatarius de ; Rotulorum Computor; Clericus Justiciarie.

Action of Lord Robert Stewart against Malcolm Douglas decided.

Resumption of the case of Lord Robert Stewart against Douglas of Manis, keeper of Blaknes Castle [*ante*, p. 363]. Lord Robert's complaint is that, though Douglas had delivered to him the castle as charged, he "hes maist wranguslie and contempnandlie spuilyeit and awaytuke furth of the samin the great irne yett of the dungeoun of the said castell, with the hingand lok and slotis of the same, the hingand lok of the presounhous of the same, with ane hagbute of found, and the haill tymmer of the bak platfurme and bartesing, and als the haill graith and furnesing of the mylne of the said castell, with the brandirs, rackis, and spetis pertening thairto." Thus, "he hes maid the said castell unable to be kepit, in hie contemptioun of his Hienes."—The case having been adjourned to this day, and Lord Robert now appearing personally, while Macolme Douglas appears, as before, by George Douglas, his procurator, the Lords, after hearing "the depositionis of divers personis witnessis," and reasons on both sides, "findis that the said great irne yett, hagbut of found, and myln graith of the said castell, wes intromettit with be the said Macolme efter his ressait of the same castell furth of the handis of Alexander Stewart of Scottistounhill, lyke as the same yett and utheris abonewrittin wes transportit furth thairof sensyne be the said Macolme and his servandis in his name." They, therefore, ordain letters charging the said Douglas, "yit as of befoir," to deliver the missing articles within six days after he is charged, under pain of rebellion, horning, and escheat. Page 543.

Holyrood-house, 13th March. Claim of William Murray, one of the King's valets.

James, Commendator of Sanctcolmis Inche, having appeared before the King and resigned into his hands the lands of Cornetoun, "pertening to his Majestie in proper patrimony," William Murray, one of the valets of the chamber, alleging himself to have, after the decease of Johnne Kemp, present possessor thereof, the gift of the ferms and duties of the said lands during his lifetime, "askit act and instrument."

Holyrood-house, 14th March.

The charge forbidding James Douglas, prior of Pluscardin, and Archebald Douglas of Pettindreich, sons natural of the Earl of Mortoun, Johnne Carmichaell, younger of that Ilk, Macolme Douglas of Manis, and

Acta 1579–81. William Douglas of Lochleavin, to approach the King's presence or the town of Edinburgh [*ante*, p. 348] is suspended; and they are now ordered to appear before the Council "to answer to sic thingis as salbe inquirit of them," under pain of rebellion. Earl of Morton's sons and others summoned.

Page 544. For "the suretie of his Hienes maist noble person, eschewing of trouble, furthering of justice, and certane utheris ressonable caussis," Archibald, Earl of Angus, is charged "to pas, entir, and remane in ward beyond the watter of Spey, within sex dayes next efter he be chargit thairto," and to continue there till released, under pain of treason. He is also required to send obligation to that effect by his procurator, under pain of lese-majesty, "grantand, gif he cumis in the contrar heirof, to be forfaltit without ony further proces; quhilk being done be the said Erll, his Majestie sall stand his gratious prince, and he sall not be molestit na maner of way bot be ordoure of justice as utheris his liegis of the realme: providing alwayes that the being of the said Erll in ward, as is abone-writtin, sall not be prejudiciall to utheris haveand actioun, bot that he sall compeir be his procuratour for persute and defence in all maters as accordis."[1] Earl of Angus charged to enter in ward beyond the Spey.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Jacobus, Tutor de Arranie; Magister de Mar; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Sanct Colmis Inche; Commendatarius de Culros; Clericus Registri. Holyrood-house, 18th March.

Because the King and Council "ar crediblie informit that divers his Hienes subjectis hes bene movit of lait be Archebald, Erll of Angus, and utheris on his behalf, to ryse and tak armes for purposes suspitious," and "becaus his Majesties loving and gude subjectis may be abusit be misreportis groundit upoun untrewthis malitiouslie spred to move seditioun," open proclamation is ordered to be made at Edinburgh, Hadingtoun, Duns, Jedburgh, Selkirk, Peobles, Lanerk, Drumfreis, Linlythgow, Striveling, Proclamation ordered against intercommuning with the Earl of Angus.

[1] The English interference on behalf of the imprisoned Morton, and for the overthrow of the Lennox rule in Scotland, having failed to take the dimensions of an actual invasion, had passed into the minor form of encouragement to the formation of a faction or conspiracy against Lennox among the Scots themselves. At the centre of such an association or conspiracy was, naturally, Archibald, the Earl of Angus, called "The Good Earl," Morton's nephew, and the hereditary head of the Douglases. There had been consultations between him and the English ambassador, Randolph, with communications with other nobles and lairds, and schemes for action. Of these Lennox had sufficient information; and hence the present blow at Angus. Since the arrest of Morton, as previous entries in the Register will have shown, there had been active proceedings by Lennox against others of the name of Douglas; and, from this point of the order to Angus to ward himself north of the Spey, the determination to disable and proscribe the Douglases, as such, will be still more apparent. In fact, from this point onward, the Lennox policy at the Scottish Court, so far as such a thing can be succinctly expressed in surnames, was to crush the *Douglases*, as the *Hamiltons* had been already crushed, and thus leave the *Stewarts* in perfect possession.

and other places needful, forbidding any of the lieges to "tak upoun hand to ryse, tak on armes, assist, accumpany, ryde, gang, or keip conventionis or trystes in armes, with the said Erll of Angus, or ony utheris, without his Majesties awin speciall command and directioun in write, under the pane to be repute and haldin as participant." The proclamation is also to charge all who may already have been ordered to resort to any unlawful trysts or to give promises to the Earl and his adherents, "that they desist and leif of to follow thame in tyme cuming, bot submit thame to his Majestie, quha promises in the word of a Prince to remitt and pardoun thair bygane offenssis and crymes in this behalf, thay crave and thair said pardoun within the space of ten dayes efter the publicatioun heirof." Acta 1579–8

Delivery by James Richieson of certain jewels of the King.

Charge having been given to James Ritchesoun of Smetoun to appear before the Council, to answer what might be inquired of him, under pain of rebellion, and he having appeared personally, "it wes inquirit of him quhat and how mony jowellis he ressavit at ony tyme fra umquhile Maister Robert Ritchesoun of Sanct Mary Ile, his father, or fra ony utheris, quhilkis pertenit and pertenis to the Kingis Majestie." The answer was that "he ressavit na jowellis pertening to his Hienes fra his said umquhile father, nor fra na utheris, except ane cheinye belt of gold of knottis of perll and fiftie dyamontis, and sevin great dyamontis of a garnesing, fra his said umquhile father: quhilkis he producit in presence of the saidis Lordis, and be thame wes deliverit to William, Lord Ruthven, his Majesties thesaurar, to be put and placit be him in his Hienes coffirs with the remanent of his Majesties jowellis; quha being also personalie present, ressavit thame to the same effect." The Lords, accordingly, "exoneris and dischargeis the said James Ritchesoun, his airis, executouris, and assignais, of the foirsaid jowellis." Page 545.

Holyrood-house, 19th March.

New order for the levy of forces to meet the English.

There being "preparatioun and douncuming of the forces of England to the bordouris of this realme, for quhat occasionis is yit incertane," it is thought necessary that the lieges "be in present and full reddynes for defence according to his Majesties formar proclamationis maid to that effect" [*ante*, pp. 355, 360]. Accordingly, it is ordained that the fencibles throughout the kingdom, "weill bodin in feir of weir, addres thameselffis and be in full reddynes to repair to sic place or places, with sa mony dayes victuallis and provisioun as thay salbe certefeit be the nixt proclamatioun, upoun sex houris warning."

Holyrood-house, 24th March.

Sederunt—Ut in die precedente.

Obligation for repayment of a debt of the King to the burgh of Edinburgh.

The King, taking his Council to witness that "his loving and gude subjectis, the provest, baillies, and counsale of his Hienes burgh of Edinburgh, and the remanent burgessis of thair said burgh, hes advancit to his Majestie, for furthsetting of his honorable effaires, the sowme of ten

Acta 1579–81. thowsand merkis money, quhilk his Hienes understandis to have bene borrowit fra certane of thair nichtbouris, and for payment of the quhilk thay have obleist thair commoun landis and guidis," therefore "in the word of a Prince faithfullie promittis" that they shall be repaid the said sum by the feast of Whitsunday next out of the first part of the sum of £10,000 which should be paid to him upon 1st April next, being
Page 546. the fourth part of the tax lately granted to him [*ante*, p. 360]. But, "in cais of failye of payment" of the said 10,000 merks by Whitsunday next, then Colene, Earl of Ergile, chancellor and justice-general, John, Earl of Montrois, William, Lord Ruthven, treasurer, Robert, Commendator of Dumfermling, secretary, Mark, Commendator of Newbottle, James, Commendator of Sanct Colm's Inch, and Alexander Erskin of Gogar, become bound, conjunctly and severally, to make payment of the said sum by Whitsunday, or else to infeft the Magistrates by charter of alienation and vendition in an annual rent of 1000 merks furth of their lands lying in Fyfe or Lauthian.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esme, Comes Lennoxie; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Georgius, Dominus Seytoun; Alexander, Magister de Mar; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottle; Clericus Registri; Advocatus. Holyrood-house, 27th March.

Proclamation against intercommuning with the Earl of Angus.

Although Archebald, Earl of Angus, had been charged to enter in ward benorth the Spey under pain of treason [*ante*, p. 365], yet "he hes contempnandlie dissobeyit, declarand thairby his inobedience to his Majestie, and incurrand the said pane of tressoun; mynding, as apperis, to do quhat in him lyis to move trouble and insurrectioun, to the apparent brek of the gude and quiet estait of the cuntrie and hinderance of his Majesties
Page 547. service." Proclamation is therefore ordered at the head burghs of the realm, forbidding the lieges to intercommune with the said Earl or any of his assisters, under "pane of tynsale of lyff, landis and guidis."

Charge to the Earl of Angus to render certain castles.

Charge to Archibald, Earl of Angus, and other keepers of the castles of Thomptalloun, Cokburnispeth, and Douglas, to deliver the same for the use of the King within forty-eight hours after they are charged, under pain of treason.

Petition of Lady Tyninghame.

Supplication of Dame Margaret Hay, lady Tynneghame, as follows:—She had been "chargit, as havear in hir handis and keping of twa cast peces of irne ordinance, being in the Englische schip quhilk laitlie perisit foranent Skowgall Sandis, to carie, bring and transport the same be sey or land, upoun hir awin coist, charge and expenssis, to the peare and heaven of Leith, and thair to mak deliverance thairof fra hir to his Hienes officiar." She states that she has obeyed the said charge, having delivered the said two pieces to Thomas Douglas, messenger, as his discharge to her shows, but that nevertheless she is "in danger to be persewit for the same" by

the Admiral and his deputes, unless she has formal discharge and acknowledgement of receipt from the King and Council also. The Lords accordingly, "exoneris and dischargeis the said Dame Margaret Hay of the samin peces for now and evir." Acta 1579–8

Renunciation by ten Border Lairds of their relations to the Earl of Angus.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secrete Counsale, comperit personalie the personis undersubscrivand, and simpliciter renuncit and dischargeit all and quhatsumevir bandis of manrent or service maid and subscrivit be thame in ony tyme bygane for the serving of Archebald, Erll of Angus, lord Douglas and Abirnethie, or ony utheris; as alsua band and obleist, and be thir presentis bindis and oblissis, thame on nawyse to subscrive or gif ony sic bandis to him or ony utheris in tyme cuming, bot lilelie and trewlie to serve and obey our Soverane Lord, his lieutennentis, wardanis, and officiaris, in all tymes heirefter, as becumis faithfull and dewtefull s[ubjectis] to hazard thair lyffis, Page 548. landis and guidis in the advancement and fu[rthsetting] of his Majesties authoritie and service aganis all and quhatsumevir ennemeis thair[of] to thair uttermaist pouer. Sic subscribitur: J. Cranstoun of that Ilk; William Douglas of Caveris; Andro Rutherfurd of Hundeley; Thomas Turnble of Beddroule, knycht; George Douglas of Bonejedburgh, younger; Richard Rutherfurd of Edyerstoun; James Rutherfurd of Hunthill; Johnne Turnble of Mynto; Walter Scott of Goldelandis; and Richard Rutherfurd, provest of Jedburgh;—with oure handis at the pen led be Johnne Andro at oure command, becaus we can not write: Joannes Andro."

Caution for Rutherfurd of Hunthill.

Caution in 1000 merks by Sir Johnne Stewart of Troquhair, for the appearance of Johnne Rutherfurd of Hunthill, and delivery of his house and fortalice of Hunthill when warned.

Caution for Rutherfurd, Provost of Jedburgh.

Caution in 1000 merks by Johnne Stewart of Troquair for the appearance of Richard Rutherfurd, provost of Jedburgh, when warned.

Holyrood, 29th March.

Douglas of Mains denounced.

Macolme Douglas of Manis, having failed to appear as charged [*ante*, p. 364], is denounced rebel.

Holyrood, 30th March.

Caution for Douglas of Lochleven.

Caution in £10,000, by James Colville of Eister Wemys and George Douglas of Rungawe, for the entry of William Douglas of Lochleaven in ward beyond the water of Cromartie by the 8th of April next, and for Page 549. his good behaviour in the meantime. Deleted by a warrant by the King and Council subscribed at Haliruidhous on 5th November 1584.

Holyrood-house, 31st March.

Complaint by "Frances de Conick, *alias* Courtizen, Robert Cardier, Jehane Hoone, Michaell de la Row, Lucas Rayomont, Petir Paviot, Symon Pignèt, Jacques Heynis, Peter Walscott, and Anthone Carlier, burgessis and merchandis in Antwerp in Brabant, freindis and confiderattis to this realme," as follows:—"Efter that Johnne Cokburne and

Acta 1579–81. Williame Sibbett, be way of pyracie, with thair equippage, had maisterfullie, wranguslie, and on force, spuilyeit and taken the saidis compliners guidis and merchandices upoun the seyis (doand thairthrow that lay in thame to brek the band of peace betuix this realme and confiderattis thairof), thay brocht and convoyit the same guidis and merchandices within this realme, and hes sauld and disponit ane part thairof, to thair awin advantage and proffite, to divers his Majesties liegis, sa that the saidis compliners ar compellit upoun thair great travell and expenssis to persew for recoverie thairof."—Due charge had been given to William Sibbett to appear and answer, "bringand with him the just inventur of the haill guidis and merchandice spuilyeit and taken be him and his equippage foirsaid fra the saidis compliners, and the haill names of the personis that ressavit ony part thairof of his handis, and of the speciall quantitie of the samin;" and now, "the said Frances de Conick comperand personalie, for him and in name of the remanent his collegis abonewrittin, and the said Williame Sibbett being oftymes callit and not comperand," the order is to denounce Sibbett rebel, and put him to the horn and to escheat.

Complaint of certain Antwerp merchants whose goods have been seized.

James Douglas, Prior of Pluscardin, Archebald Douglas of Pettindreich, his brother, natural sons of James, Earl of Mortoun, and Johnne Car-
Page 550. mychaell of that Ilk, younger, having failed to appear before the Council as charged [*ante*, p. 364], are to be denounced the King's rebels "for thair contemptioun."

Order to denounce the Prior of Pluscardin, Douglas of Pittendreich, and Carmichael of that Ilk.

Frances Armstrang, son of the Laird of Quhittauch, pledge for his said father, and Hob Ellott of Braidley, pledge for the "gang" of Gorrumberrie, are released from ward in the castle and tolbooth of Edinburgh, at the desire of William Ker of Cesfurd, younger, Warden of the Middle March and Keeper of Liddisdale, the Warden becoming bound in 1000 merks for the re-entry of each when warned: this Act to continue in force till the said Warden produce the band of Martyne Ellot of Braidley and Johnne Turnble of Mynto for the said Hob Ellott, and that of Lancy Armstrang of Quhittauch, and , "being ane barroun or sufficient landit man within the boundis of Teviotdale, the Forrest of Ettrik, or Teviotdale," for the said Frances Armstrang to the effect above mentioned.

Holyroodhouse, 1st April.
Band for Francis Armstrong and Hob Elliot, pledges.

Willie Ellot, called Jokkis Willie, pledge for the "gang" of Bernheidis, is also released at the desire of the said Warden,—Hob Ellot, brother of Gawin's Hob Ellot of the Rampsygill, remaining as pledge for the said "haill gang of the Burnehedis."

Caution for Willie Elliot.

[Another Convention of Estates: *Sederunt* not preserved.]

Holyroodhouse, 3rd April.

Page 551. The Act of Parliament for raising a tax of £40,000 not having been put into effect, and the 1st of April, the day appointed for payment of the first instalment, viz., £10,000, being now past [*ante*, p. 360], it is ordered

New order concerning the tax of £40,000.

that the sum of £20,000 be paid at the second term, viz., 1st May. Acta 1579-8
[Printed in Acts of Parl. iii. p. 192.]

Holyrood-house, 4th April.

New proclamation ordered against intercommunion with the Earl of Angus.

The Earl of Angus having disobeyed not only the charge given him to enter in ward benorth the water of Spey [*ante*, p. 365], but also the subsequent charge to render the Castles of Thomptalloun and Douglas [*ante*, p. 376], and the King and Council understanding that he is fortifying and victualling the said castles, meaning to keep them,—"lyke as sindre his Hienes subjectis ceissis not, as his Majestie is surelie informit, to carie and transport victuallis and uther furnissing within the saidis castellis, and utherwyse to intercommoun and to have intelligence be lettirs, messages, and utheris cullourit practizes, authorizand and mantenand thairthrow the said Erll and utheris keparis of the saidis castellis in thair tressonable and wickit dedis,"—the order now is that there be open proclamation at Dumbar, Hadingtoun, Lanerk, and other places needful, forbidding the lieges to intercommune with or supply the keepers of the said castles, and "certefeing thame, and thay failye, thay salbe persewit indifferentlie with thame with all rigour and extremitie." Power is also to be given to all good subjects to apprehend persons passing with any goods to the said castles, and to intromit with the same, one-half of the goods so taken to be accounted for to the King's treasurer, and the other half to go to the apprehenders, while the owners of the goods are to be "puneist as efferis." Page 552.

Appeal of Helen Cunningham against act of rebellion and horning.

Appeal of Helene Cunynghame, now spouse of William Stewart, son of Andro, Lord Uchiltrie, against the sentence of rebellioun and horning obtained against her at the instance of Stevin Forcait for not appearing before the Council according to the charge given to her [*ante*, p. 326]. She pleads that she has been put to the horn wrongfully, "considering it is of veritie that scho was nother summondit personalie nor at hir dwelling house, nor yit wes thair ony copie of the saidis letters deliverit to hir or affixt upoun the dur of hir dwelling house, nather wes thair . . tioun maid to hir of the said charge; sa that the same come nawyse . ; alwyse seing it is not unknawin to the Kingis Majestie and his . . that scho is cled with ane husband, with whom the said Stevin For[cait (as scho is] informit), hes aggreit upoun certane conditionis, tending alwyse . satisfactioun and payment, quhilk payment of necessitie mon be had and recoverit of the said William be ressoun of his intromissioun with the maillis and deweties of hir landis and leving." Her demand, accordingly, is that the letters and process of horning against her be suspended.—Charge had been given to "the said Stevin Forcait, purchessar of the saidis letters," to appear and hear the appeal considered; and now, "the said Helene Coninghame comperand be Adame Schore, hir procuratour, and the said Stevin Forcait comperand personalie, the Lordis of Secrete Counsale, with consent of the said Stevin Forcait, suspendis the saidis lettirs, effect thairof, and proces of Page 553.

Acta 1579–81. horne contenit thairintill upoun the said Helene Cunynghame, simpliciter in tyme cuming." [1]

James Douglas, prior of Pluscardin, having failed to appear before the Council according to the charge given to him [*ante*, pp. 364, 369], is to be denounced rebel "for his contemptioun." Holyrood-house, 5th April. Order to denounce the Prior of Pluscardin.

Caution by Hary Stewart, son and apparent heir of Johnne Stewart of Cragyhall, as principal, and James Weir, younger, of Blakwod, as surety, that the said Harie, and Dame Jeane Ros, his spouse, who are entrusted with the keeping of the place of Calder, shall deliver the same when required in as good condition as they received it, "under the pane of refounding to James Sandelandis of Calder and his airis of all dampnage and skaith that thay sall happin to sustene throw thair default and negligence." Caution for Harry Stewart of Craigiehall and his wife.

Page 554. Supplication by Dame Jeane Hepburne, Mistress of Caithnes, Lady Morhame, as follows:—"Scho is, lyke as scho hes bene continewallie sen hir yowthheid, trew and faithfull subject to his Hienes and his predicessouris, governouris and regentis for the tyme, sa far as appertenit ane sobir gentlewoman to be efter her pouer, without ony cryme or offence committit be hir aganis his Majestie, his realme or liegis, in onywise. And, albeit, for crymes or offences committit be Maister Archebald Douglas, hir spous, his and hir guidis ar disponit as eschete, and compositioun payit thairfore [*ante*, p. 340], lyke as the said Maister Archebaldis benefices and possessionis ar alsua disponit be his Majestie, nottheles scho belevis that his Hienes, of his tendir mercy, favoure, and grace, wilbe sa gude and gratious to hir, that is ane gentlewoman, that hir awin pure leving, takkis and possessioun, pertening properlie to hirself, be nawyse taken fra hir or disponit to ony creature, bot that scho may peciablie brouke the samin during hir lyftyme, sua that efter hir deceis his Hienes richt traist cousing Frances, Erll Boithuile, hir lauchfull sone, may succeid, entir, and cum thairto, lyke as his Hienes hes schawin sic petie and favourable mercie and kyndnes to utheris gentlewemen haveand thair husbandis forfaltit and convict of crymes of tressoun and utheris laitlie bipast." Her petition, therefore, is [1] that she may be assured in the possession of her own property, so that it may be duly transmitted to her son, and [2] "that hir said sone, now in his absence, be not hurt nor defraudit of ony rowmes, offices, or utheris, quhilkis appertenit of befoir to the Erlis Boithuile, and suld now succeid and appertene to him as Erll thairof, conforme to gude conscience and equitie." The supplication having been heard, the King, with advice of his Council, "movit partlie of clemency and favour," but partly for "divers utheris considerationis," grants both parts of it thus:—"Declaris that the said Dame Jeane may Holyrood-house, ... April. Supplication of Lady Morhame, for herself, and for her son, the Earl of Bothwell.

[1] The William Stewart, husband of the petitioner, in this entry, was a brother of the favourite, Captain James Stewart.

brouke and enjoy peciablie hir leving, rowmes, and takkis properlie appertening to hirself in tyme cuming during hir lyftyme, and that his Majestie sall grant nor gif na dispositioun thairof or of ony part of the samin to ony personis, to the effect that his Hienes richt traist cousing foirsaid, presentlie furth of this realme, efter hir deceis may frelie entir thairto, and brouke the same be richt and just title thairof; lyke as his Hienes promittis, declaris, and decernis that his said cousing, now in his absence furth of this realme, as said is, sall not be hurt nor defraudit of ony rowmes, offices, or utheris quhatsumevir, quhilkis appertenit of befoir to umquhile James, sumtyme Erll Boithuile, and that now suld succeid and appertene to him as Erll thairof, be ony maner of way." Acta 1579–81

Caution for the Earl of Glencairn.

Caution in £5000 by John Cuninghame of Drumquhassill that neither James, Earl of Glencairn, nor his men shall trouble Angus Makconile of D[unyveg ?] or his men. Page 555.

Band for re-entry of Gawin Elliot.

Caution in 500 merks by Lancy Armstrang of Quhittauch, Martyne Ellott of Braidley, Jok Ellot, called Hobbis Jok, Johnne Ellot, called Roweis Johnne, Arche Ellott, called Symmis Arche, Hob Ellot, called James Hobbe, to present again before the Council Gawen Ellot, called Scottis Hobbis Gawen, "enterit for ane fault" to Johnne Carmichael, late keeper of Liddisdaill, "presentlie lying in Edinburgh Castell." The band, which is registered in the books of Secret Council, is dated at Cesfurd, 10th April 1581, and subscribed "Williame Ker," with this postscript: "This present to indure quhill I send the bandis of thame contenit heirin under forme of instrument."

Band for the re-entry of Willie Elliot and Hob Elliot.

Caution in 1000 merks by Robert Ker of Ancrum, Martyne Ellott of Braidley, Jok Ellott, called Gawanis Jok of Rampsygill, to present again before the Council Will Ellot, called Jokkis Willie, pledge for the "haill gang" of Rampsygill, released out of the tolbooth of Edinburgh; also, under pain of 500 merks, to re-enter Hob Ellott, called Ill Hob of Rampsygill, brother of the said Jok, now lying in Edinburgh Castle, entered to Johnne Carmichaell, late keeper of Liddisdale, "for ane fault committed." This band, also registered, is dated at Cesfurd, 10th April 1581, and subscribed by Robert [Menteith ?], notary, for the said Martyne Ellott and Jok Ellott, two of the cautioners, "becaus we can not write oure selffis."

Band for the re-entry of Rowie Elliot of the Park.

Caution in 1000 merks by Lancy Armstrang of Quhittauch, Jok Ellott, called Hobbis Jok, Johnne Ellot, called Roweis Johnne, Arche Ellot, called Symmis Arche, Hobbe Ellott, called Jameis Hobbe, for the re-entry of Rowie Ellot of the Park, called Symmis Rowie, "presentlie ressavit be thame as haill men and feir out of ward of the Castell of Edinburgh, pledge for the haill gang of the Park." This band, dated as above, is witnessed by Thomas Ker of Cavers, Andro Riddell, son and heir of Page 556.

Acta 1579-81. Walter Riddell of that Ilk, and William Riddell, brother of the said Waltir. For the sureties "the notar sall subscrive; and this my hand-write salbe gude quhill he subscrive the same: William Ker."

Caution in 1000 merks by John Trumble of Mynto and Martyne Ellot of Braidley for the re-entry of Hob Ellott of Braidley, pledge for the "gang" of Gorrumberrie, released out of the tolbooth of Edinburgh. The band, registered and dated like the three preceding, is subscribed by Robert Menteith, notary, for the two cautioners, who are unable to write. Band for re-entry of Hob Elliot of Braidley.

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secrete Counsale, comperit personalie Maister Petir Young, preceptor to his Hienes, and producit ane reversioun, subscrivit and gevin to the richt excellent, richt heich and michtie, princesis Henrie and Marie, be the grace of God King and Quene of Scottis, thair airis, successouris, and assignais, be the provest, baillies, counsale, and communitie of the burgh of Edinburgh for the tyme, of all and haill the superioritie of Leith, with the pertinentis, contenand the sowme of ten thowsand merkis, of the dait at Edinburgh the aucht day of October, the yeir of God $j^{m}v^{c}$ thre scoir fyve yeris, —desiring that he micht be relevit thairof, and the samin to be committit to be kepit quhair his Hienes and the saidis Lordis suld think maist meit. The Kingis Majestie, with avise of the saidis Lordis, ordanis Alexander Hay, clerk of his Hienes Register, to quhom the said reversioun wes instantlie deliverit, to put and place the same in his Majesties Register Hous in the Castell of Edinburgh, thair to remane in his Hienes coffers, with utheris his Majesties register and recordis, for the bettir keping thairof to his Hienes use as efferis; and thairfore exoneris, quitcleames, and dischargeis the said Maister Petir Young of the samin for now and evir be thir presentis." Holyrood-house, 18th April. Deed of reversion of the superiority of Leith, granted to Edinburgh in 1565, delivered by Mr Peter Young to the Clerk-Register.

Caution in 500 merks by William, Lord Hay of Yester, for George Hume of Woddirburne, that he shall not disturb Jehane Hepburne, Lady Woddirburne, in her conjunct fee and terce lands and living [see *ante*, p. 290]. Caution for Hume of Wedderburn.

Sederunt [not recorded]. Holyrood-house, 22nd April.

Page 557. Complaint of Johnne Flemyng of Boghall, as follows:—The Privy Council having extended to him the benefit of the Pacification, he had laboured to obtain confirmation of the same in the last Parliament [Acts of Parl. 1581, c. 103, iii. p. 284]. But "the restorance of the said Johnne Flemyng in his Hienes Parliament wes stayit at the desire of James, Erll of Glencarne; quha submittit himself to his Majesties will anent the restoring of the said Johnne Fleming to his landis and leving of Boghall, and utheris his landis and possessiones quhilkis he hes. And sensyne his Majestie hes declarit his will planelie, declaring that his Hienes will is that he be reponit and repossest to all and sindrie his landis, heritage, John Fleming of Boghall against the Earl of Glencairn.

houssis, places, yairdis, orchardis, rowmes, and possessionis." Notwithstanding, the said Earl "contempnandlie detenis and withhaldis" his lands, "and, to declare the gretar contempt of his Hienes and malice aganis the said Johnne, he hes destroyit his place of Boghall, cuttit doun and sauld his woddis and orchardis, not only to his herschip, but als to the great deformitie of the cuntrie and destructioun of the polecie thairof; and in the meyntyme the said Johnne Fleming, his wyff and barnis, ar put to great herschip, wantand his leving be the space of ten yeris bygane, only for partaking in the commoun caus."—The Earl of Glencarne had been charged to appear to hear order given him to quit the said lands and pertinents and restore them to the complainer, or else to show cause to the contrary. Accordingly, on the 5th of April instant, the complainer being personally present, the Earl had appeared, and had alleged "that he submittit not himself in our Soverane Lordis will in this cais, nor yit wes he requirit thairto, and thairfore that the declaratioun that is alledgit maid be his Hienes in maner foirsaid, groundit upoun a submissioun quhilk is not, can not be effectuall, nayther aucht he to be decernit to fulfill the samin as is desirit." The case had, therefore, been postponed till there should be certainty on the subject by the King's own declaration. That is now given distinctly; for his Majesty, "being movit presentlie be supplicatioun," has declared in presence of the Council "that the caus of the stay of the ratificatioun and confirmatioun of the said benefite of Pacificatioun grantit to the said Johnne Fleming at the last Parliament procedit only upoun the said Erlis submissioun maid to his Hienes; quhairupoun followit the declaratioun of his Majesties will in maner foirsaid." Now, therefore, his Majesty further "declaris the same his will pronuncit in the said Johnne Flemingis favouris, as said is, to be effectuall, and ratifeis and approvis the samin in all pointis, and ordanis the said James, Erll of Glencarne, to fulfill the samin will conforme to the tennour thairof; and that letters be direct, chargeing the said Erll to desist and ceis fra all further intromissioun, detening and withhalding fra the said James Fleming of his saidis landis, places, houssis, yairdis, orchardis, rowmes, and possessionis quhatsumevir, and to leif the samin void and red, and to entir him and his servandis in his name to the possessioun thairof, to be peciable broukit, joisit, and possest be him as his heritage at his pleasour in tyme cuming, conforme to the said Act of Pacification and his Majesteis will declarit in maner abonementionat."

Acta 1579-81.

Page 558.

Order to denounce Johnston of that Ilk, Warden of the West Marches.

Sundry reports had oft been made to the King "that Johnne Johnnstoun of that Ilk, warden of the West Marches of the realme, suld of lait have behavit himself utherwyse towardis his Majestie nor his gude service heirtofore hes oftymes gevin pruif, and specialie in sum favour schawin of lait to certane dissobedient personis to his Hienes and his authoritie.' To these reports, "becaus the said Johnne wes his Majesties officiar, quha in his charge and utherwyse in tyme bipast had usit himself honestlie, to the quietnes of the cuntre and his Hienes bettir satisfactioun, his

Acta 1579–81. Majestie menit not, in this consideratioun, suddanlie to gif credite, quhill as his Hienes mycht have understand the certantie be the said Johnnes self or sum sufficient testimony." Accordingly, Johnnstoun had been charged to appear on a certain day by-past, and clear himself, under pain of rebel-
Page 559. lion and horning. He had not, however, appeared as charged; and now, therefore, the order is that letters issue to "denunce the said Johnne Johnnstoun his Hienes rebell, and put him to the horne, and eschete and imbring all his movable guidis to our Soverane Lordis use, for his contemptioun."

Caution in £10,000 by William, Lord Hay of Yester, for George Hume of Wodderburne, that he shall by the 3rd of May next repair benorth the water of Erne, there to remain till freed, and for his good behaviour in the meantime [see *ante*, p. 373]. Holyrood-house, 23rd April. Caution for Hume of Wedderburn.

Complaint has been made "be Alexander Clerk of Balbirny, provest of Edinburgh, and remanent his collegis, takkisman of the cunyehous," as follows:—"Be virtew of the contract and appointment maid betuix his Majestie and the saidis compliners anent the setting of the said cunyehous, his Hienes is bound and obleist to caus deliver in thair handis the houssis, worklumes, and utheris materiallis requisite for the avancement of the work, resting still in the possessioun of Johnne Achesoun, his Hienes maister cunyeoure for the tyme. And, albeit the saidis compliners obtenit his Hienes command in write to the said Johnne to have deliverit the keyis of all the workhoussis and duelling houssis within his Majesties cunyehous, togidder with the haill worklumes and utheris materiallis belangand to that occupatioun remaning in his handis, upoun inventar to be maid thairof in presence of his Hienes generall of the said cunyehous, notwithstanding he will nawyse do the samin without he be compellit."—Achesoun had been charged to do as the complainers required, within forty-eight hours, or else to appear before the Council "upoun the morne efter the samin charge," and show cause to the contrary; and now, "the said Alexander Clerk, provest, comperand personalie for himself and in name of the remanent his collegis, and the said Johnne Aitchesoun
Page 560. being alsua personalie present," the Council, after deliberation, "ordanis William, [Lord Ruth]ven, thesaurar, Alexander Hay, clerk of register, and Sir A[rchibald] Naper of Edinbillie, knycht, generall of the cunyehous, to convene togidder the morne, the xxvi day of Aprile instant, at efternone, in the cunyehous, or, failyeing, the nixt convenient day thairefter, and thair to caus oppin and visie the assey box, and, efter the assey taken thairof, to caus quhatsumevir thing within the said box be deliverit agane to the said Johnn Aitchesoun, to be usit and disponit upoun at his pleasour; as alsua to caus the workhoussis and duelling houssis within the said cunyehous, worklumes, and utheris materiallis quhatsumevir being thairin belanging to our said Soverane Lord, be deliverit to sic personis in particular to quhom the samin be thair office maist properlie appertenis, for

Edinburgh, 25th April. The Provost of Edinburgh, and others, against John Achesoun, the King's Master Coiner.

the bettir furthsetting of the work of the cunyie, upoun inventar to be maid thairupoun as efferis; acquittances or dischargeis upoun the samin to gif and caus be gevin as accordis; and to caus and se all the cunye irnes baith of gold and silver be brokin doun; and generalie all uther thingis to do and caus be done that heiranent is necessarlie requirit." Acta 1579-81

Caution for entry of John Elliot.

Caution in 1000 merks by James Stewart of Scherelaw, that he will present, when warned, Johnne Ellott, son of Elder Will Ellott (pledge for his "gang"), who is released from Edinburgh tolbooth at Stewart's desire.

Edinburgh, 26th April.

Caution for George Auchinleck of Balmanno.

Caution in £2000 by Mr Patrik Quhitelaw of Newgrange for the appearance of George Auchinleck of Balmanno when warned, and for his good behaviour meanwhile. [See *ante*, p. 348.] Deleted by warrant dated at Haliruidhous, 15th December 1582.

Edinburgh, 29th April.

Lord Maxwell appointed Warden of the West March.

The King, with advise of his Privy Council, having appointed his "richt traist cousing and counsaloure" Johnne, Lord Maxwell, to be warden and justice within the bounds of the West March, proclamation is ordered at Drumfreis commanding all the inhabitants of the said wardenry to obey Lord Maxwell "in all thingis tending to the furthsetting of oure Soverane Lordis service, puneisment of offendouris, making of redres alsweill to the subjectis of England as of Scotland, and keping of gude ordour, as thay will answer to his Hienes upoun thair obedience at thair uttermaist charge and perrell," and also charging all his lieges to assist the warden as often as required. Page 561.

Johnston of that Ilk decerned to pay £2000 for damages done by certain Borderers.

Although Wattie Irwing, son of Jokkis Will, pledge, had been released upon the suit of Johnne Johnnstoun of that Ilk, who had become cautioner in £2000 for his re-entry, "gif ony of the personis quhom the said Wattie lay pledge for suld not be answerable to the lawes thairefter" [*ante*, p. 85], yet "trew it is that sindrie personis for quhome the said Wattie Irwing lay pledge hes not bene answerable to the lawis sen the letting of him to libertie in maner foirsaid, bot hes bene fugitive thairfra, and in speciall Johnne Irwing, callit of Steilhill, quha hes committit sindrie attemptatis to the troubling of the commoun quietnes of the cuntre." Accordingly, Johnnstoun, having neither appeared nor entered the said Wattie Irwing according to the charge given to him, is decerned to have incurred the said penalty of £2000; and letters of horning, poinding, and distraining are directed against him for exacting the said sum.

Caution for William Douglas.

Caution in £1000 by William Naper of Wrichtishoussis for the appearance of William Douglas of Hyvelie when warned, and for his good behaviour meanwhile. Page 562.

Edinburgh, 30th April.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Alexander, Magister

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de Mar; Robertus, Commendatarius de Dumfermling; Commendatarius de Sanct Colme; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Advocatus.

Agreement between the Lords of Council and the Commissioners of the Kirk as to the disposition of vacant benefices.

"The quhilk day the Lordis of Secrete Counsale and the Commissioners of the Kirk, presentlie convenit, hes concludit, aggreit, and ordanit, that all benefices of cure presentlie vacand, and that heirefter sal happin to vaik and be at his Hienes presentatioun afoir the first day of November nixtocum, sall remane vacand and undisponit quhill the samin day, that in the meyntyme it may be considerit and aggreit upoun the forme of dispositioun of the saidis benefices, and the estate and qualiteis of the personis to quhom the samin benefices, and all uther that sal happin to vaik thairefter, salbe disponit."

Edinburgh, 2nd May. Favourers of the Earl of Morton, or of the Earl of Angus, ordered away from the Court.

"The Kingis Majestie and Lordis of Secrete Counsale, considering how sindrie personis—knawin favourars, weilwillaris, and trafficquers with James, Erll of Mortoun, challangit and committit to ward as suspectit culpable af the murther of our Soverane Lordis dearest father [*ante*, p. 350], or that hes hantit directlie or indirectlie with him, or with Archibald, Erll or Angus, now planelie dissobedient for the tressonable stuffing and withhalding of certane houssis and strenthis aganis his Hienes and his authoritie, being chargit to rander and deliver the same [*ante*, pp. 367, 370]—ceissis not nevirtheles to hant and repair to his Hienes presence and within his house, and sum to exerce publict and privat offices thairin; quhilk is not to be permittit in tyme cuming, for the apperant dangers and inconvenientis that may follow thairupoun: Thairfore his Majestie, be advise of the Lordis of his said Secrete Counsale, will and declaris his pleasour to be that nane of the personis, knawin favourars, weilwillaris, and trafficquers with the saidis Erlis, or with Mr Archibald [Douglas, *ante*, p. 340], lykewyse dilatit and fugitive for the said tressonable murther, or with thair familiar servandis, or be utheris mediat personis, sall repair unto his Hienes presence, or exerce ony publict or privat offices in his Majesties house, quhill order be tane anent the further triall of the saidis Erlis and Maister Archibaldis tressonable procedingis; and ordanis the maser of Counsale or ony uther officiar of armes to certefie and mak intimatioun of this his Majesties will and pleasour to sic personis as salbe gevin in bill subscrivit be twa of his Hienes Counsale, chargeing them to obtemper and obey the same, as thay will answer to his Hienes upoun thair obedience at thair uttermaist charge and perrell, and under the pane of tressoun."

Caution for John Leslie.

Caution in £100 by Johnne Leslie of Wardes for Johnne Leslie, portioner of Buchanstoun, that he shall appear on the 1st of June next before the Council to answer the complaint made against him by Mr Johnne Abircrummy, parson of Une [*ante*, p. 334].

Page 563.

Order to denounce William Turnbull.

William Turnble in Bonechester having failed to appear to answer for the "violence and contempt done be him in taking of ane horse, upoun the day of , pertening to Arche Ellot of the Hill, expres contrar the tennour of the proclamatioun maid anent the resorting of the inhabitantis of Liddisdaill to mercattis to the townes of Jedburgh and Hawik" [*ante*, p. 359], is to be denounced rebel and put to the horn. Acta 1579–81

Walter Scott of Goldielands.

Walter Scott of Goldelandis promises to answer to the King and his Warden in time coming for the behaviour of the men dwelling on the lands of Walter Scott of Bukcleuch.

Dalkeith, 3rd May.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esme, Comes de Lennox; Jacobus, Comes de Arran;[1] Joannes, Comes de Montrois; Joannes, Comes de Mar; Willielmus, Dominus Ruthven; Joannes, Dominus Maxwell; Jacobus, Dominus Ogilvie; Alexander, Magister de Mar; Commendatarius de Newbottill; Commendatarius de Sanct Colmis Inche; Commendatarius de Culrois; Clericus Registri; Clericus Justiciarie; Advocatus.

Commission to the Commendator of St Colme to intromit with the Earl of Morton's lands and barony of Aberdour, etc., for payment of the Earl's expenses in prison.

"Forsamekle as James, Erll of Mortoun, Lord of Dalkeith, being suspectit and accusit as culpable of the tressonable murther of umquhile the King our Soverane Lordis father, wes taken, apprehendit, and committit to ward thairfore, first in the castell of Edinburgh, and thairefter in the castell of Dumbertane, quhair he presentlie remanis quhill he be tryit foule or clene as efferis; and, be the modificatioun of his Majestie and the Lordis of Secrete Counsale, it wes appointit and ordanit that thair suld be payit to the Capitane of the said castell of Dumbertane twenty merkis money of this realme daylie during the said Erlis remaning thairin, for his chargeis and personis attending upoun his custodie, off the reddiest of

[1] This is the first appearance of the favourite Captain James Stewart in a Council sederunt with his new title of Earl of Arran. It had been conferred upon him on the 22nd of April 1581, after due preparation for it in his Tutorship of Arran (*ante*, p. 356, footnote). The ground of his elevation to the peerage by this particular title, notwithstanding its association so long with the name of Hamilton, and notwithstanding the fact that James Hamilton, the insane Earl of Arran, was still alive and known by the title, was his descent from James Hamilton, the first earl. This peer, who died in 1530, had been three times married. His first wife had been Beatrix Drummond, daughter of Lord Drummond; his second, Elizabeth Hume, from whom he was soon divorced; and his third, Janet Beaton, daughter of Sir David Beaton of Creich. It was from this third wife, who alone left male issue, that the subsequent Earls of Arran had descended—James Hamilton, the great second Earl of Arran and Duke of Chatelherault in France, and his son, the present insane third Earl, to whom Captain Stewart had been for some time tutor. But Captain Stewart's plea was that the issue of the third wife of the first Earl of Arran was illegitimate, and that the earldom properly belonged therefore to the descendants of that Earl's only child by his first marriage. Now, that only child, Margaret Hamilton, had married Andrew Stewart, first Lord Ochiltree; the second Lord Ochiltree was her son; and Captain James Stewart, as the son of this second Lord, was one of her grandsons. These arguments of pedigree assisting the political reasons, Captain James Stewart had been created Earl of Arran, with the subtitle of Lord Hamilton, and was thus put more on a par than he had hitherto been with his patron, the Earl of Lennox.

Acta 1579-81. his awin guidis and rentis; quhairof the said Capitane hes as yit gottin little or na payment, to his great hurt. And trew it is that the house and fortalice of Abirdour, with the males, fermes, proffites, and deweties of the landis and barony of Abirdour, and utheris the said Erll of Mortounes landis, leving, teindis, cornes, cattell, and guidis, being within the schirefdome of Fyff, sen he wes put in ward, wes first committit to the custodie of Archebald, Erll of Angus, Lord Douglas and Abirnethie, upoun promeis maid be him that the samin suld be furthcumand to our Soverane Lord and all utheris haveand enteres as accordis; bot, becaus of the said Erll
Page 564. of Angus plane defectioun sensyne from his Hienes obedience, the intromissioun, custodie, and keping of the said hous of Abirdour, maillis, fermes, proffites, and deweties of the landis and barony of Abirdour, and utheris the said Erll of Mortounes landis, leving, teindis, cornis, cattell, and guidis, being within the said schirefdome of Fyff, wes . committit to James, Commendatar of Sanct Colmis Inche, quhom our Soverane Lord, with avise of the Lordis of Secrete Counsale, hes commandit and commandis to reddelie answer and mak payment to William Stewart of Caverstoun, depute capitane of the said castell of Dumbertane, of the sowme of ane thowsand merkis of this realme, of the reddiest of the saidis maillis, fermes, proffites, and deweteis of the saidis landis and barony of Abirdoure, and uther the said Erll of Mortounes landis, leving, teindis, cornes, cattell, and guidis, being within the said schirefdome of Fyff, committit to the intromissioun, custodie, and keping of the said Commendater as said is, and that in part of payment of the said Erll of Mortounes expenssis and chargeis, and of the personis attending upoun his custodie, and to tak the said William Stewartis acquittance and discharge thairupoun, quhilk salbe als sufficient to the said Commendatar as and the samin wer maid and grantit be the said Erll of Mortoun himself, or be his Hienes thesaurar in cais the said Erll wer already convict of the cryme foirsaid. And, becaus the said Commendatar is constranit and commandit to mak this present intromissioun upoun sa necessar occasioun, for furnissing of the said Erlis expenssis, being in ward als said is, and that the saidis cornes and guidis necessarlie mon be collectit, sauld, and disponit upoun, seing the keping thairof may sustene skaith, thairfore his Majestie, with avise of his said Secrete Counsale, will and grantis, and for his Hienes and his successouris decernis and declaris, that the said Commendaters intromissioun with the said hous of Abirdoure, maillis, fermis, proffites, and deweties of the landis and barony of Abirdoure, and utheris the said Erll of Mortounes landis, leving, teindis, cornis, cattell, and guidis abonewrittin, being within the said schirefdome of Fyff, sall on nawyse be impute unto him as ony cryme or offence, nor he, his airis, nor executouris sall nawyse be callit or accusit for the samin, criminalie or civilie, be ony maner of way in tyme cuming: dischargeand thame of all cleame and actioun that may be intentit aganis thame thairfore simpliciter in all tyme cuming, and all judgeis and ministers of lawes of all calling, persewing or onywyse proceding aganis thame thairfore,

poinding, troubling, or intromitting with thame, thair landis or guidis, for the same, and of thair offices in that part for evir. And, that the said Commendatar may the bettir mak payment of the said sowme of ane thowsand merkis for the mair certane and reddie furnesing of the said Erlis expenssis remaning in the said ward, and in cais the tennentis and utheris addettit in payment to the said Erll will refuse to answer, obey, and mak payment to the said Commendatar, and thairby empesche that the said Commendatar be not able to satisfie the said Capitanis necessitie in payment of the said thowsand merkis, the Kingis Majestie, with avise of the Lordis of Secrete Counsale, ordanis lettirs to be direct, chargeing all and sindrie fewarris, firmorars, tennentis, takkismen, occupiaris, possessouris, intromettouris, and utheris addettit in payment of the males, fermes, annuellis, teindis, proffites, and deweties of the saidis landis and barony of Abirdour, barnis, dowcattis, and yairdis thairof, as alsua of the landis of Humbyes, Daithre and Tallehillis, Tyrie, Coyfeild, aikers of Kingorne, Wodfeild, and the ruidis of Kingorne, Abirdoure, and Pittadie, and the guidis and geir being thairon, to reddelie answer, intend, obey, and mak payment thairof to the said Commendatar, his factouris and servitouris in his name, of all yeris and termes bygane restand awand unpayit, and siclike yeirlie and termelie in tyme cuming, quhill the said Erll be tryit foule or clene of the said cryme, within x dayes nixt efter thay be chargeit thairto, under the pane of rebellioun and putting of thame to the horne; and, gif thay failye thairin, the saidis ten dayes being bypast, to denunce thame rebellis and put thame to the horne, [and to e]schete and imbring all thair movable guidis to his Hienes use, for thair [contem]ptioun." Acta 1579–81 Page 565.

Edinburgh, 4th May.

Violations of the assurances of mutual peace between the Scotts and the Elliots.

Charge had been given to Walter Scott of Goldelandis, James Gledstanis of Coklaw, and Robert Ellott of Reidheuch, on the one part, and Martyne Ellot of Braidley, Sym Armstrang of Mangertoun, and Lancy Armstrang of Quhittauch, on the other part, to appear before the King and Council on a certain day bipast, "bringand with thame the assurances taken and gevin be ayther of thame to utheris, to have bene sene and considerit, and to have answerit to sic thingis as suld have bene inquirit of thame at thair cuming, tuitching the pointis of the said assurances." All the parties having appeared personally, and their complaints against each other having been heard, the Lords, in the first place, "assoilzeis the said Lancy Armstrang of Quhittauch fra the complaint of the said Robert Ellott of Reidheuch, maid be speitche, for the taking of Clemme Niksoun in the Esscheis prisoner, and halding him under band, he beand servand and depender upoun the said Robert, be ressoun the said Robert, being demandit, wald not undertake to mak the said Clemme answerable to the warden and kepar of the cuntrie for sic crymes and offenssis as he sal happin to be dilatit and suspectit of, as accordis of the law and justice." They then dispose of a complaint of Martyne Ellott, consisting of five several parts, as follows:—[1] Letters to issue "to summond sic as witnessis as the said Martyne Ellott will use, agane the xxiiii day

Acta 1579–81. of Maii instant, for preving of the first part of his complaint, anent the molestatioun maid to the Ellottis in the possessioun of the steding of the Northcroft." [2] For the second part of his complaint, letters to issue "chargeing the said Walter Scott of Goldelandis, to entir and present Hob Scott, callit of Glenrathane, George Scott, his brother, and Hob Scott, callit Huitill, befoir his Hienes and Lordis of Secreit Counsale, the said xxiiii day of Maii instant, to answer to the said complaint." [3] For the third part of the complaint, "remittis the same to be persewit befoir the warden and justice of the said Middle Marche." [4] The fourth part "to be persewit befoir the judge competent quhatsumevir as accordis of the law." [5] The fifth part of the complaint was that, "upoun Furisday the day of Aprile last bipast, Hob Ellott of Braidley, Dand Ellott, his brother, cumand by the yett of Eidschaw, in thair lefull bissynes, about ten houris in the day, Watt Scott of Eidschaw come furth, with fyve or sex of his servandis and his brother in cumpany togidder, and sett upoun the said Hob Ellott and his brother, and hes struckin the hand from the ane and hurt the uther in perrell of his lyff, and that cruellie within the Kingis Majesties assurance. Albeit the said Hob and his bruther requirit peace in his Hienes name and authoritie, be ressoun it wes under assurance as said is, nottheles, the said Walter Scott of Eidschaw, and his complices maliciouslie vilependit the same, to the great hurt of the saidis compliners and dispryse of his Majestie." With reference to this part of the complaint the order is as follows:— "Lettirs to be direct chargeing Watt Scott of Goldelandis, James Gled-
Page 566. stanis of Coklaw, James Langlandis of that Ilk, Robert Scott of Allanhauch, William Scott, son of [the said Robert Scott of] Allanhauch, Walter Scott of Eidschaw, George Scott of Syntoun, Rob[ert S]cott of Hanyng, Walter Scott of Quhitslaid, William Scott of Glak, Walter V[eitc]he in North Syntoun, Adam Scott of Todschawhauch, Robert Scott of Aultoun, William Scott of Tuschelaw, Adam Scott of Bonytoun, Johnne Scott of Dryhoip, Sym Scott of Gemmylliscleich, Williame Scott of Chalmerlane Newtoun, Walter Chesholme of that Ilk, Robert Scott of Thirlestane, William Scott of Huntly, Walter Scott of Todrig, Robert Scott of . wod, to compeir personalie befoir his Hienes and Lordis of his Secreit Counsale at Edinburgh, or quhair it sal happin thame to be for the tyme, the said xxiiii day of Maii instant, bringand with thame thair assurance grantit and gevin, be directioun of his Hienes and his Previe Counsale, to Sym Armstrang of Mangertoun, Lancy Armstrang of Quhittauch, Thom Armstrang, callit Symmis Thom, Adam Armstrang of Quhisgillis, Jok Armstrang, callit the Lairdis Jok, Rinyane and Robe Armstrangis, father brethir to the Lard of Mangertoun, Martene Ellott of Braidley, Jok Ellott of Copschaw, Sym Ellott of the Park, Dand Ellott of Braidley, Robert Ellott of Horslehill, James Rowe in the Park, Archibald Ellott of the Park, Johnne Forster, younger, of Fouleschelis, Will Ellott in Mospatrikhoip, Dand Ellott, sone to Clemmentis Hob, Hary Niksoun of Howden, and Dand Niksoun of Kewly, to be sene and con-

siderit, and the saidis personis of the surname of Scott and thair partakers to heir and se thame decernit to have brokin the said assurance for the cause abonewrittin, and thairthrow to have incurrit the pane of perjurie, defamatioun, and tynsale of perpetuall honour, estimatioun, and credite, and to be puneist thairfore in thair personis and guidis at oure Soveranis will, or ellis to allege ane ressonable caus quhy the samin suld not be done: with certificatioun to thame, and thay failye, his Hienes and Lordis of his Secrete Counsale will decerne and pronounce in maner foirsaid." Acta 1579–8

Edinburgh, 6th May. Christian Dalzell, relict of John Creichtoun of Ryehill, against her son.

Complaint of "Cristein Dalzell, relict of umquhile Johnne Creichtoun of Ryhill," as follows:—She "hes all and haill the toure, place, and fortalice of Ryhill, pertening to hir in lyfrent or conjunct fe," and had been in peaceable possession of the same since her late husband's death till the month of March last, when "Robert Creichtoun of Ryhill, hir sone, accumpanyit with Yvie Dryisdaill, Johnne Dryisdaill, his sone, Alexander Thomsoun, and Johnne Makquharie, *alias* callit the Bent Wowar, and utheris his complices, to the nowmer of sevin personis or thairby, bodin in weirlike maner with jakkis, steilbonettis, swordis, hagbuttis and pistolettis," came, "under silence of nycht," to her dwelling-place of Ryhill, "ledderit the windois thairof, brak up the yettis of the samin, and perforce enterit thairintill and pat violent handis in the personis of William Davidsoun and Robert Dalzell, hir servandis, being within the said place, and detenit thame as captives and prisoners during the space of sex houres." They still keep possession of the house, "and hes furnisit the samyn with men, munitioun, and victuall, thinkand to fortefie and detene the samin as ane hous of weir."—Charge had been given to the persons complained of to deliver up the house to the complainer within twenty-four hours, under pain of rebellion, or else to appear before the Council and show cause to the contrary; and now, "the said Cristian Dalzell comperand be James Lyndsay, hir sone and procuratour, and the saidis Robert Creychtoun, Yvie Dryisdaill, Johnne Dryisdaill, Alexander Thomsoun, and Johnne M^{c}Quharie, being oftymes callit and not comperand," the order is that letters issue peremptorily commanding them to deliver the house as aforesaid, within twenty-four hours, "als gude as it wes the tyme of thair intromissioun" with it, and, "gif thay failye thairin, the saidis xxiiii houres being bypast, to denunce thame rebellis, and put thame to the horne, and to eschete, etc." Page 567.

Caution for John Guthrie of Montrose.

Caution in 100 merks by Alexander Guthre of that Ilk for Johnne Guthre, burgess of Montros, that he shall answer before the Council, upon the 1st of June next, to a complaint "maid upoun him be Sir William Murray of Tullybardin, knycht, his Hienes comptrollar, and James Mowbra of Petlevir, searcheour generall on the north syde of the wattir of Forth, tuitching the allegit abstracting fra thame of certane criminall letters be the said Johnne, quhilkis wer raisit at thair instances, and gevin him to be execute upoun certane personis, burgessis of Montrois."

Acta 1579–81. Caution in 200 merks by Mr Robert Douglas, Provost of Lincluden, for the appearance of Johnne Kilpatrik in Michelslakis at Drumfreis before the Warden of the West Marches when warned. Edinburgh, 8th May. Caution for John Kirkpatrick.

The King, with advice of his Council, "efter sindre conferences had anent the constitutioun of the Ecclesiasticall Polecie, hes found it hard and difficill to attene to ony formall order thairanent, likly to have continewance to the posteritie, quhill the ancient boundis of the diocyes be desolvit: quhair the parochinnis ar thik togidder and small, to be unitit, and, quhair thay ar of ower great and large boundis, to be devidit, that thairefter presbitereis or elderschippis may be constitute." Accordingly, for the purpose of such a re-ordering of the bounds of dioceses and parishes, "his Majestie hes directit his ernist and effectuus lettirs to certane . of noblemen, barronis, gentlemen, and minsters, in certane boundis and parrochinnis mentionat in his Majesties directioun, willing thame that thay, with sa mony utheris as thay sall find gude to call unto thair assistance, sall convene togidder and consult altogethir, or then with commoun consent elect sum fewar nowmer amangis thame, of best jugement, zeale, and experience, to considder and try the ancient and present estaites of all particular kirkis and parochinnis in thair boundis, and how the minsterie thair may be best plantit and sustenit in a certane and ordinar form liklie to have continewance to the posteritie, as in his Hienes letters and directioun thairanent mair specialie is contenit, and to send thair report thairupoun in dew forme, in als speciall maner as may be, togidder with thair gude advise anent the executioun of the Act of Parliament for puneisment of vagaboundis and support of the pure [Acts of Parl. 1574, iii. p. 86, 1579, c. 12, iii. p. 139], betuix and the day of nix to cum." The King and Council, however, now understand that "sindre of the noblemen, barronis, gentlemen, and utheris, to quhom his Majestie hed direct his lettirs for executioun and furtherance of this gude work, standis in sic termes for deidlie fedis, grudgeis, variances, and occasionis of displeasouris amangis thame, as thay wilbe slaw to convene togidder for this effect of thair awin motioun without his Hienes expres commandiment." Accordingly, his Majesty "alwyse intending, be Godis grace, that the same work sall proceid with all guidlie expeditioun, seing it concernis the glorie of God, his Hienes self, and the repois and quietnes of his haill subjectis and thair posteritie," now orders letters to issue, charging all noblemen, barons, and gentlemen nominated in the commission, who may be at feud with each other, "that thay convene togidder at the places respective contenit in his saidis letters at sic day or dayes as the minsters nominat in his Hienes directioun sall appoint," and proceed with their work so as to be able to give in their report on the appointed day: with peremptory command "that nane of thame tak upoun hand to invaid, molest, persew, or inquiet utheris be way of deid be thameselff[is], thair kin, freindis, servandis, assisters, partakers or utheris that thay may lett," and with instructions "gif neid be,

Page 568.

Edinburgh, 9th May. Order in connection with a Royal Commission for revising the ancient bounds of the dioceses and parishes of Scotland.

to gif and ressave assurance ilkane of utheris," such assurances "to indure quhill the first day of November nix to cum." This they are to do at "thair uttermaist charge and perrell, with certificatioun to thame that failyeis, thay salbe repute and estemit the hinderars and stayers of the progres of the said gude work, and the makers and nurissaris of trouble and disorder," and shall be pursued and punished with all rigour accordingly. Acta 1579–8

Oath of Sir John Seton as Master of the King's Horse.

Sir John Seytoun, son of George, Lord Seytoun, having been appointed principal Master of all the King's horses and stables, swears "that he sall serve and obey the Kingis Majestie, and salbe faithfull and trew unto his Hienes, and to the Lordis of his Secrete Counsale, and utheris his nobilitie presentlie with him;" that he shall not "knaw nor procure" their hurt by word or deed, but "sall reveill and impeid the samin to his utter-[maist];" and specially that he will have no communication of any kind with "ony of his Hienes declarit tratouris, conspiratouris aganis his authoritie, or utheris suspectit to his Majesties persoun, blude and estate, for the murther of his dearest progenitouris and freindis, or pertubaris of the publict peace:" all on peril of his "lyff and heritage." Page 569.

Dalkeith, 16th May.

Sederunt—Esme, Comes de Lennox; Jacobus, Comes de Arran; Joannes, Comes de Montrois; Georgius, Dominus Seytoun; Jacobus, Dominus Ogilvie; Alexander, Magister de Mar; Commendatarius de Sanctcolme; Clericus Registri. Page 570.

Order by the King in person to register his General Revocation of all gifts granted in his minority out of his property.

"The quhilk day the Kingis Majestie in proper persoun comperit personalie befoir the Lordis of his Secrete Counsale, and presentit his Hienes Revocatioun, subscrivit with his hand at Halyrudehous the xxvi day of Februar last bipast; intimat, insinuat, and declarit the same of new, commanding the same to be insert and registrat in the buikis of Secrete Counsale, to have the strenth of ane Act thairof quhill his Hienes nixt Parliament; and, be advise of the saidis Lordis of Secrete Counsale, interponit and interponis his authoritie to his said Revocatioun, ordaning the samin to be of als great strenth, valour, force, and effect, in all tymes to cum efter the dait thairof of abonewrittin, as ony Revocatioun maid be his Hienes predecessouris, Kingis or Quenis of this realme, in ony tymes bygane, in thair les age befoir thair compleit perfyte aige: off the quhilk Revocatioun the tennour followis."—Here follows the Act, subscribed with the King's hand at Halyrudehous, 26th Feb. 1580, and recorded in Acts of Parliament 1581, c. 68, iii. p. 242, ratifying his Majesty's general Revocation of all grants made out of his property during his minority. But to the ratification of the general Revocation there is added the following part, which is not inserted in the Act of Parliament: "Attoure, oure Soverane Lord promittit and promittis to the saidis Lordis of his Secrete Counsale that he suld on na wyse mak ony new giftis, dispositionis, or promises of quhatsumevir landis, rentis, maillis, proffites, Pages 570–1

Acta 1579-81. and deweties, or utheris commoditeis, falland unto him owther of his propirtie, casualitie or collectorie, be virtew of this his Revocatioun, quhill the same wer first found gude and ressonable and concludit to be done be a full nowmer of the Lordis and utheris of his Previe Counsale sittand in counsale, providing that sic of his said Counsale as happinnis to gif his Hienes advise thairanent (in cais it salbe found be his Estaittis thairefter for his enorme hurt and lesioun) salbe answerable upoun thair perrell thairfore. And, to the effect that his Majesties Revocatioun foirsaid may tak the bettir effect for his Hienes commoditie, and that he may be the mair able to leif upoun his awin rent and be the les chargeable to his subjectis, his Hienes, with avise of the saidis Lordis of his Secrete Counsale, will and declaris, and for his Hienes and his successouris decernis and ordanis, that, in cas it sall happin him, be avise of ony of his counsalouris resident with him for the tyme, to mak alienatioun, dispositioun, or promeis of quhatsumevir landis, rentis, maillis, fermes, proffites, and deweties, or utheris commoditeis be the virtew and privilege of this
Page 572. his Revocatioun, that all letters and signatouris to be maid, past, and subscrivit to that effect, salbe [null and] of nane avale, force, nor effect, and be estemit as wranguslie and surr[eptitiouslie] purchest aganis his Hienes honoure and commoditie and commoun weill of [this realm]e: Requiring the Lordis of Counsale and Sessioun and all utheris jugeis [and mini]sters of law within this realme, that thay nawyse grant or gif ony let[ters] conforme, sentences, decreittis, or authorizing quhatsumevir, upoun ony maner of giftis, dispositionis, and promises of the landis, rentis, rowmes, possessiones, maillis, fermes, proffites, and deweties, falling and returning to his Hienes be virtew of this his Revocatioun, notwithstanding ony letter, charge, or command direct or to be direct in the contrar, or ony panis contenit thairin,—anent the quhilkis his Hienes dispenssis be thir presentis: Requiring alsua the saidis Lordis of Counsale to interpone thair authoritie and jugement to this his Hienes Revocatioun and Declaratioun befoir writtin, that the samin may have the force and strenth of thair decrete in tyme cuming. And, in respect that the said Revocatioun can not tak full and present effect in all poyntis quhill the samin be ratefeit and apprevit be his Hienes Thre Estaittis in Parliament, Requiring thairfore the saidis Lordis of Counsale and Sessioun thairfore, to grant and direct lettirs to arreist all and sindre the rentis, mailles, fermes, proffites, and deweties or utheris commoditeis falling unto his Majestie be virtew of this Revocatioun, other of his propirtie, casualitie, or collectorie, of the terme of Witsounday last bipast, and yeirlie and termelie in tyme cuming, to remane under arreistment in the handes of the tennentis and utheris addettit in payment of the same, unintromettit with be quhatsumevir personis clamand the same be gift, pensioun, or uther dispositioun quhatsumevir, ay and quhill the said nixt Parliament, that then it may be declarit be the saidis Thre Estaittis quhethir the thingis arreistit fallis under the said Revocatioun to his Hienes awin use or not: Commanding alsua his Hienes thesaurar, comptrollar, and generall collectoure, to considder quhat thingis concern-

ing everie ane of thair offices fallis under the said Revocatioun, and to caus intromet, and tak up the same of the said terme of Witsounday last bipast to his Hienes use,—at leist to stay all payment-making thairof,—and to caus arreist the samin in maner befoir writtin, ay and quhill the said nixt Parliament: Commanding alsua the Lordis of his Hienes Chekker, that thay on nawyse allow ony fie, pensioun, wageis, or ony thing remittit and gevin fre of the rentis and fruites of the said propertie, casualitie, and collectorie of the said terme of Witsounday last bipast, or in tyme cuming, notwithstanding ony gift maid thairupoun of befoir, or use of payment be the rollis in tyme bygane, without new sufficient warrandis and commandiment to be past thairupoun efter the dait of this present Act; dischargeand thame thairof, and of thair offices in that part. And that letters be direct for publicatioun heirof in dew forme as efferis." Acta 1579–81

Robert Graham of Langbodum against James Johnston of Crofthead and others.

Complaint of Robert Grhame of Langbodum, "takkisman of the landis of Hoilhous in Annanderdaill," as follows:—He and his predecessors have been "kyndlie possessouris of the saidis landis," for about a hundred years, "be takkis and sufficient titillis maid to thame thairupoun," without trouble till the 10th of March 1579, when "James Johnnstoun of Crofthead, Adame Johnnstoun in Langwodend, Johnne Johnnstoun thair, and Symon Johnnstoun in Bodisbyke, brethir, James Mureman in Kirkbrydrig, Thomas Frensche thair, Symon Glendoning thair, James Broun in Over Davine, James Glendoning in Kirkbrydrig, and Rodger Frensche, with thair complices of the surname of Johnnstoun, and utheris thair allya and freindis, to the nowmer of foure scoir personis or thairby, bodin in feir of weir, with hagbuttis and daggis prohibeit to be worne or usit be the Actis of Parliament and Previe Counsale, jakkis, steilbonettis, speris, jedburgh stavis, and utheris wappinnis invasive," came to the said lands of Hoilhous, "and thair cuttit the plewis, brak the somes thairof, hundit away the oxin, and strake and hurt divers his servandis, to the great effusioun of thair bludis." Ever since they have kept the said lands waste, "quhairthrow the said compliner nor nane utheris in his name hes gottin ony kynd of commoditie thairof." Further, "the saidis personis, continewing in thair wickit myndis toward the said compliner and his servandis, upoun the twenty day of Marche last bipast, come to thair paroche kirk of Moffett, and thair thay, being bodin in maner foirsaid, boistit and schorit to have slayne the said compliner and his freindis and servandis being in cumpany with him; lyke as great cummer and inconvenient had fallin out amangis thame, wer not he causit mony of his saidis servandis depart hame and remanit only himself with a sober cumpany of his saidis freindis at the said kirk." Every day he and his are injured by the same persons, "sa that thay can not travell to kirk, mercat, nor utherwyse in the cuntrie to do thair lefull erandis and bissynes, without hazard of thair lyffis; and sa wilbe compellit at lenth, for saiftie thairof, ayther to leif the cuntrie, or utherwyse entir with thame be way of deid, quhilk will not faill to minster occasioun Page 573.

Acta 1579–81. of trouble to the haill cuntre.'—The usual charge had been given to appear and answer; and now, "the said Robert Grhame of Langbodum comperand personalie, and the saidis Rodger Frensche, James Mureman, Symon Glendoning, Thomas Frensche, and James Glendoning, comperand alsua personalie," the Lords, after hearing parties, "remittis the said mater to be tryit and decydit befoir the Stewart of Annanderdaill and his deputis," who are to take sufficient security at their discretion from either of the parties for their keeping the peace.

Edinburgh, 19th May. Caution for Archibald Auchinleck of Cumlege.

Caution in £2000 by Mr Patrik Quhitelaw of Newgrange for the entry of Archebald Auchinleck of Cumlege before James, Earl of Arran, when warned; also that he shall have no communication with rebels or traitors, and especially with Archebald, Earl of Angus, Mr Archebald Douglas, James and Archebald Douglas, sons of James, Earl of Mortoun, George Douglas of Parkheid, his sons Archebald Douglas, sometime constable of Edinburgh Castle, and Macolme Douglas of Manis, Johnne Carmichaell, younger, of that Ilk, their servants and partakers; also, that Auchinleck
Page 574. shall give discharge to Johnne Hume, brother of Alexander Hume of Manderstoun, for his intromissioun with the fortalice of Cumlege. Deleted by warrant dated 15th Dec. 1582.

Holyrood-house, 23rd May.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Robertus, Comes Marcie; Esme, Comes de Lennox; Jacobus, Comes de Arran; Joannes, Comes de Montrois; Joannes, Dominus Ogilvie; Magister de Mar; Commendatarius de Newbottle; Advocatus.

Warrant to the captain and keepers of Dumbarton Castle for the delivery of the Earl of Morton, that he may be brought to trial.

"The quhilk day the Kingis Majestie, with avise of the Lordis of Secrete Counsale, hes thocht gude, concludit and ordanit, that James, Erll of Mortoun, lord of Dalkeith, salbe tryit be ane assise, sa sone as convenientlie may be, of sic crymes quhairof he wes accusit and dilatit in presence of his Hienes and Lordis of his Secrete Counsale; and thairfore ordanis letters to be direct, chargeing the capitane, constable, and keparis of the Castell of Dumbertane, to deliver the said Erll of Mortoun to his Majesties richt traist cousingis and counsalouris, James, Erll of Arran, and Johnne, Erll of Montrois, quhom his Hienes hes direct for ressait of the said Erll, to the effect he may be convoyit be thame to the burgh of Edinburgh, or ony uther part or place quhair they sall think expedient, to abyde triall of the saidis crymes as efferis."

Edinburgh, 24th May. Caution for John Anderson, burgess of Perth.

Johnne Andersoun, burgess of Perth, has consigned into the hands of Archebald Grhame, depute to Johnne, Earl of Montrois, collector-general of the late taxation of £40,000, the sum of 25s. Scots for the tax of the lands of Myretoun and Lonccatty; and Johnne Scott, burgess of Edinburgh, becomes bound that the said Andersoun shall pay any sum for which he shall be found liable beyond the sum consigned.

Page 575. Waltir Scott of Eidschaw, Waltir Veitche of Northsyntoun, etc., not

Holyrood-house, 25th May. In the matter of the feud between the Scotts and the Elliots.

having appeared, as charged, to answer for the breaking of the assurance granted by the Scotts to the Ellotts [*ante*, p. 380], the matter is continued to the 15th of June next; but meanwhile the Council orders Waltir Scott of Goldelandis and his associates to find sufficient caution that they will enter the said Waltir Scott of Eidschaw and his associates who have thus failed to appear, or else will themselves appear instead, on the appointed day, "to the effect farther order may be taken heiranent as appertenis, under certane pecuniall panis particularlie modefeit be the saidis Lordis." They are also "commandit be the maser of Counsale, to remane, and not depart, quhill thay find the said cautioun, in maner and to the effect foirsaid, under the pane of rebellioun." Acta 1579-8

Holyrood-house, 30th May.

Sederunt—Colinus, Comes Ergadie, Cancellarius [deleted]; Robertus, Comes de Marche; Arran; Jacobus, Comes de Glencarne; Montrois; Joannes, Dominus Ogilvie; Joannes, Dominus Seytoun; Andreas, Dominus Uchiltrie; Alexander, Magister de Mar; Clericus Registri; Computorum Rotulator; Advocatus; Dumfermling; Newbottill; Sanct Colmis Inche; Clericus Justiciarie.

Proclamation ordered against false reports concerning the King's intention in the approaching trial of Morton.

The King and Council "ar credibly informit that divers seditious and sclanderous bruittis ar presentlie dispersit amangis his Hienes liegis, speciallie in the burgh of Edinburgh, as that James, Erll of Mortoun, now being in ward, and reddy to be tryit, according to the lawes, for art and part of the tressonable murther of the King our Soverane Lordis father, and utheris tressonable crymes quhairof he is suspectit and dilatit, suld alsua be burdynnit and accusit of sic thingis as wer done and execute in oure Soverane Lordis name for the furthsetting of his authoritie and service, alsweill during the tyme that the said Erll of Mortoun wes Regent of this realme as of befoir and sensyne." Now, as "nevir sic thing wes meant or intendit be his Majestie," it is ordered that there be proclamation, at the market cross of Edinburgh and elsewhere, "of the trewth of his Majesties intentioun and meaning foirsaid," with certification that all who may be detected as the authors of false reports on the subject shall be apprehended and punished for sedition.

Holyrood-house, 3rd June.[1]

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esme, Comes de Lennox; Jacobus, Comes de Arran; Hugo, Comes de Eglintoun; Andreas, Comes de Rothes; Joannes, Comes de Montrois; Joannes, Dominus Maxwell; Joannes, Dominus Seytoun; Joannes, Dominus Ogilvie; Andreas, Dominus Uchiltrie; Magister de Mar; Commendatarius de Dunfermling; Commendatarius de Newbottill; Page 576.

[1] This day, a Saturday, was the day after the execution of the ex-Regent Morton in the High Street of Edinburgh, his trial having been on the previous day, June 1, when the article of the complex indictment against him principally pressed was that charging him with the murder of Darnley. He confessed to fore-knowledge of the design, but denied participation. From the date of Morton's execution, the duumvirate, Lennox and Arran, considered themselves secure. Angus, believing his life also in danger, fled into England immediately afterwards, and was hospitably received at the English Court.

Acta 1579–81.

Commendatarius de Sanct Colme; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Advocatus.

Act of the Privy Council approving of the services of James, Earl of Arran, in prosecuting the late Earl of Mortoun for the murder of the King's father. [Ratified in Parliament Acts of Parl. iii. p. 227]. Arran's proceedings against Morton approved.

Archebald, Earl of Angus, Johnne Carmichaell, younger, of that Ilk, Archebald Douglas of Pettindreich, James Douglas, prior of Pluscardin, Macolme Douglas of Manis, Archebald Douglas, sometime constable of Edinburgh Castle, Eckie Douglas, called Reid Eckie, Hew Carmichaell, son and apparent heir of the said John Carmichaell of that Ilk, and other keepers of the castles of Thomptalloun and Douglas, are commanded to deliver the same to the King's officers within twenty-four hours after they shall be charged, under the pain of treason [see *ante*, p. 367]. New charge to render the castles of Tantallon and Douglas.

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James Heich, in Dalkeith, servant to the late Earl of Mortoun, to be denounced rebel for not appearing before the Council as charged. Order to denounce James Heich.

Supplication of Alexander Clerk of Balbirny, Provost of Edinburgh, as follows:—"Umquhile Sir William Kirkcaldy of Grange, knycht, beand servand and depender upoun umquhile James, Erll of Murray, his Hienes Regent for the tyme, the said Alexander Clerk being alsua his servand, the said umquhile Sir William, be ressoun of the familiaritie contractit in that service, burdynnit the said Alexander with the len of the sowme of twenty six hundreth merkis, at divers tymes as he had necessarlie ado thairwith; and, for assurance of payment agane, the said umquhile Sir William having then the keping of the Kingis Majesties jowelllis, he gaif and deliverit to the said Alexander in plege thairof twa garnesingis, the ane sett with xviii dyamontis and xviii orient perll or thairby, the uther sett with xviii dyamontis, xviii rubies or thairby, togidder with uther foure severall peces sett in gold, quhairof twa wes rubeis, ane dyamont, and ane sapheir." These jewels had been "recoverit out of the said Alexander Clerkis handis be umquhile James, sumtyme Erll Mortoun, his Hienes Regent for the tyme, and be him, as the said Alexander understandis, committit to be kepit with the rest of his Majesties jowellis, and inventar maid, without ony warrand or discharge gevin to the said Alexander thairuponn, or payment maid of the foirsaid sowme lent be him upoun the samin." On his complaint to the King and Council, James, Earl of Arran, had been directed to question the Earl of Mortoun on the subject; and the complainer understands that the Earl of Arran had done so, and is now "ready to gif a perfyte resolutioun thairupoun." His prayer, therefore, is that the Earl of Arran's declaration may be received by the King and Council, so that the complainer may have "ane exoneratioun and discharge of the saidis jowellis;" and further that, "in respect of his trew and faithfull service evir employit, Exoneration to Alexander Clerk, provost of Edinburgh, for certain jewels of the King's which he had once received in pledge from Kirkcaldy of Grange for money lent, but which had afterwards been reclaimed by Regent Morton.

as he sall continew to his lyffis end," there may be reserved for him special action for the recovery of the sum he had lent to the late Kirkcaldy of Grange, in case of the future restitution of Kirkcaldy's heirs to his lands and heritage, whether by grace or law, or, should the lands be disponed otherwise, that then the person or persons to whom they should happen to be "disponit," should be "restrictit and ordanit" to pay him the said sum.—The supplication having been heard and considered, together with "the said James, Erll of Arranis declaratioun maid upoun the inquisitioun of the said umquhile sumtyme Erll of Mortoun, and confessioun maid be him of the ressait of the saidis jowellis, and placeing thame with utheris his Hienes jowellis," the King, with advice of his Council [1] "exoneris and dischargeis the said Alexander Clerk and his aires of the saidis jowellis for now and evir;" [2] orders and declares "that, in cais the said umquhile Sir Williames aires be restorit be grace, law, or utherwyse, or gif the landis quhilkis pertenit to the said umquhile Sir William sall happin to be disponit be his Majestie to ony uther persoun or personis, be ressoun of forfaltoure or ony uther maner of way, that in that cais the said umquhile Sir Williames aires, or the uther personis to quhom the saidis landis salbe disponit, salbe astrictit, lyke as his Hienes, with avise of the saidis Lordis, decernis and ordanis thame, to pay the foirsaid sowme." Acta 1579–8 Page 578.

Holyrood-house, 5th June.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie, Cancellarius; Esme, Comes de Lennox; Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Georgius, Dominus Seytoun; Joannes, Dominus Maxwell; Alexander, Magister de Mar; Commendatarius de Dumfermling; Commendatarius de Newbottill; Clericus Justiciarie; Clericus Registri; Computorum Rotulator; Advocatus.

Assignation of £40,000 by the King to Treasurer Lord Ruthven in repayment of his expenses.

William, Lord Ruthven, treasurer, presents for registration the following letter of assignation:—"Rex: We, with avise of the Lordis of oure Secrete Counsale, understanding our lovit cousing Williame, Lord Ruthven, oure thesaurar, to be superexpendit in his said office of thesaurarie in the sowme of fourtie thowsand pundis, as his comptis futit be the Lordis auditouris of oure chekker exp . qu . his landis and heritage ar wodset, and yeirlie proffite payit furth of the samin to his creditouris, according to the sowmes abonewrittin; and als knawing certanelie the occasioun of the saidis superexpenssis to have bene be ressoun of divers necessar expeditionis maid in oure service, quhairin he aucht not to be dampnifeit, bot rather thankfullie relevit; and considering that thair is na present commoditie quhairby our said cousingis releif may be maid: Thairfore we, with avise foirsaid, hes assignit and assignis to him the sowme of fourtie thowsand pundis money, to be uptaken fra the merchandis of Edinburgh, takkismen of oure cunyehous, as ane part of ane hundreth thowsand merkis to be payit to us within the space of Page 579.

Acta 1579–81. thre yeris nixt efter the first day of September nix to cum, be ressoun of the assedatioun and tak sett to thame of oure said cunyehous, as at mair lenth is contenit in the same, off the dait at Halyrudehous the day of Aprile, the yeir of God j^{m}v^{c}lxxxi yeiris; and willis that the said sowme of fouretie thowsand pundis be payit of the last termes contenit in the said contract, the fouretie thowsand merkis of the saids ane hundreth thowsand merkis being first payit to us and to sic usis as we, with avise of oure Counsale, sall utherwyse appoint; transferrand in oure said cousing all richt and title of richt quhilk we have be ressoun of the said contract, in sa far as the said sowme of fourtie thowsand pundis extendis to; and with pouer to oure said cousing to intromet thairwith, ask, crave, and ressave the samin, and, gif neid be, to call and persew thairfore, acquittances and dischargeis thairof to gif in his awin name, quhilkis salbe als sufficient to the saidis takkismen of our cunyehous as gif the samin wer gevin be us in maist requisite and solempne forme; commanding and chargeing the saidis takkismen to mak thankfull payment and deliverance of the said sowme in maner and at the tymes as is abone-specifeit. In witnes quhairof, we, with avise abonementionat, hes subscrivit this present assignatioun in plane Counsale, in signe and taken of thair consent and advise gevin heirto, hes subscrivit the samin, at Halyrudehous the fyft day of Junii, the yeir of God j^{m}v^{c} foure scoir ane yeiris, and of oure regnne the fouretent yeir. Sic subscribitur: James R. Ergyle. Montrois." The letter is followed by a charge, addressed to Alexander Clerk, provost of Edinburgh, and his colleagues, tacksmen of the cunyiehouse, commanding them to make thankful payment to Lord Ruthven in terms of the above assignation. [In connection with this entry, see *ante*, pp. 340, 375].

Complaint by James Dunbar of Cumnock.

Complaint by James Dumbar of Cumnok, son and heir of the late Patrik Dumbar of Cumnok, as follows:—He has lately paid to the King's treasurer 1000 merks "for confirmatioun of the infeftment of fewferme maid be umquhile Alexander, Commendatar of Pluscardin, to umquhile Alexander Dumbar of Cumnok, knycht, his guidsire, in lyfrent, and to the said umquhile Patrik, his father, and his aires, in fie and heritage, of the fischingis of Innerspey [*see* vol. ii. 253]; and, the said signatour being subscrivit be his Hienes hand and his thesaurar, the compositioun thairof being alsua compleitlie payit at the sicht of the lordis compositouris, the said James is informit that thair is command
Page 580. gevin to the keparis of his Hienes previe and great seillis to stay the expeditioun of the said confirmatioun." There is no just cause for this, as it cannot be alleged that the King's interest will suffer, and as "the saidis fischingis ar kyndlie rowme and possessioun to the said James and his predicessouris, quhairof thay have had heritable infeftment abone the space of twenty-twa yeris last bypast." The confirmation desired "aucht not to be denyit unto him mair nor to ony utheris fewarris of kirklandis, speciallie sen he hes already payit sa great a compositioun thairfore;

and, gif ony uther persoun wald pretend to stay the expeditioun of the said confirmatioun, thay can be naway hurt thairthrow in thair richt, gif thay ony have, be ressoun that his Majesteis confirmatioun grantit to ony infeftment alteris not the former richt."—Charge had been given in the usual formal manner to the Earl of Ergile, chancellor, Mr Thomas Buchannan, keeper of the Privy Seal, and George, Lord Seytoun, and his son, Sir Thomas Seytoun, knight, "purchessar of the discharge abonewrittin," to appear and answer; and now, "the said James Dumbar of Cumnok comperand be Alexander Dunbar, his procuratour, and the saidis Colene, Erll of Ergyle, chancellair, and George, Lord Seytoun, comperand personalie, and the saidis Mr Thomas Buchannan and Sir Johnne Seytoun being oftymes callit and not comperand," the order is that letters issue "chargeing the saidis Colene, Erll of Ergyle, and the keparis of his Hienes previe and great seillis, to append the samin to the precept and charter of confirmatioun abonewrittin, notwithstanding ony command gevin or to be gevin to thame in the contrar, within xxiiii houris nixt efter thay be chargit thairto, under the pane of rebellioun, etc." At the same time, Alexander Hay, clerk of register, "in quhais handis the signatour of confirmatioun of the said infeftment wes deliverit of befoir," is ordered "to rander and deliver the same agane to Neill Lang, kepar of the signet, fra quhom he ressavit the same, to be kepit be him for his warrand in tyme cuming." Acta 1579-81.

Holyrood-house, 6th June.

Proclamation for payment of second half of the tax of £40,000.

Of the tax of £40,000 granted in February last "be the nobilitie, estaites, and gude nowmer of barrownes convening togidder" [*ante*, p. 360], a moiety had been paid on the 1st of May. But it had been ordained in April, "in cais of ony foreyne invasioun, or that the lyke dissobedience and apperance of trouble suld continew as it did at that tyme, that uther £20,000 suld be upliftit and pait upoun the first day of Julii nix to cum, in compleit payment of the said haill taxatioun" [*ante*, p. 369 and Acts of Parl. iii. 192]. Now, as "the lyke or rather gretar dissobedience of his Hienes awin subjectis yit contienewis," Archebald, Earl of Angus, and his accomplices, still holding the castles of Thomptalloun and Douglas, and "practizing of sindrie uther tressonable attemptatis aganis his Majestie and his authoritie," and the "thieves and utheris disorderit people on the Bordouris" also continuing in their "stowthis, reiffis, and utheris enormiteis," proclamation is ordered at the head burghs of the realm intimating that the remaining £20,000 shall be paid on 1st July next, "according to the letters and chargeis already direct to this effect." Page 581.

Dalkeith, 8th June.

Part of the King's jewels delivered by the Treasurer to the Earl of Lennox.

By command of the King and Council, the treasurer, Lord Ruthven, has delivered to Esme, Earl of Lennox, "ane cheinze of gold, contening xxv knottis of perll, with xxv buttownes of gold and fiftie dyamontis sett thairin, being a part of his Majesties jowellis, to be usit according to his Hienes directioun gevin thairanent;" and the treasurer receives exoneration and discharge of the same accordingly.

Acta 1579–81. Page 582.

On the 19th of February last the Earl of Montrois had been nominated his Majesty's lieutenant-general, "in respect of the apperand invasioun of England for the tyme, and of utheris troubles liklie to have fallin out within the realme upoun occasioun of committing of the Erll of Mortoun to ward." Accordingly, "a gude nowmer of futemen wer raisit, and hes bene kepit quhill this tyme." But now, "seing the invasioun of England and thair forces from the Bordoures is removit, the said umquhile Erll of Mortoun execute be ordour of justice, and na occasioun remaning for the said Johnne, Erll of Montrois, to await langer upoun the said charge and office of lieutenentrie, seing all his Majesties effaires may be weill anewch directit be his Hienes Counsale," the Earl's prayer is that he may be relieved of his said office. The Lords agree, acknowledging his good service, and exonerating him of the said commission, and "of all actioun, criminall or civile, quhilkis may be movit and intentit aganis him for executioun thairof."

Dalkeith, 10th June. The Earl of Montrose relieved of his Lieutenancy, and exonerated.

The King and his Privy Council, "considering how necessitie cravis that sum tymes be sparit to the personis appointit for the gaird of his maist noble persoun to do thair leful erandis and bissynes in the partes quhair thay duell and utherwyse quhair they have ado," agree "that the half of the said gaird, extending to the nowmer of threttie personis, sall serve monethlie in tyme cuming, under the commandiment of the capitane, lieutennent, or cornat, quhilkis salbe present for the tyme," the others remaining at home, unless otherwise ordered.

Dalkeith, 15th June. Arrangement that in future only half of the King's body-guard need be in attendance at a time.

The King, with advice of his Privy Council, having borrowed from the Town Council of Edinburgh the sum of 10,000 merks, for "payment of his gaird and certane futemen, raisit and employit in his Hienes effaires, thir divers monethis bypast" [*ante*, p. 366], now assigns to them the sum of £1838 Scots, "as for the said burghis part of the taxatioun of £40,000 laitlie grantit to his Hienes be his Estaites;" and, for payment of the balance of 10,000 merks (viz., £4838, 13s. 4d.), ordains the tacksmen of the cunyiehous to pay the said sum from the "proffite thairof appointed to be payit at the last day of November nix to cum." Farther, the King having also borrowed, for the same purpose, "fra certane advocattis in Edinburgh underwrittin, the sowmes particularlie eftirspecfeit,"—viz., from Mr Johnne Moscrop, £666, 13s. 4d.; Mr Edmond Hay, £200; Mr Thomas Westoun, £333, 6s. 8d.; Mr Edward Hendirsoun, £333, 6s. 8d.; Mr Johnne Scharp, £666, 13s. 4d.; Mr Thomas Craig, £400; Mr Alexander Mauchan, £666, 13s. 4d.; Mr Alexander Sym, £333, 6s. 8d.; Alexander King, £66, 13s. 4d.; Mr Alexander Skene, £133, 6s. 8d.; Mr Johnne Prestoun, £66, 13s. 4d.; Mr William Heart, £66, 13s. 4d.; Mr Olyver Coult, £66, 13s. 4d.; Mr Thomas Gilbert, £66, 13s. 4d.; Mr David Gaw, £66, 13s. 4d.; Mr Johnne Frude, £100; Mr Thomas Buchannan, £100; Mr Edward Aitkin, £500; Mr Henry Makcalyen, £66, 13s. 4d.; Mr Ritchard Spens, £20; Mr

Dalkeith, 16th June. Assignation to the town of Edinburgh, and to certain men of law there, of expected revenues from the cunyiehouse in repayment of moneys borrowed by the King.

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Alexander Chene, £20; Mr Johnne Leirmonth, £13, 6s. 8d.; Mr Thomas Harvie, £66, 13s. 4d.; Mr Ritchard Strang, £13, 6s. 8d.; Mr Henry Balfoure, £13, 6s. 8d.; Mr Johnne Skene, £13, 6s. 8d.; Mr James Fowles, £20; Mr James Wardlaw, £20; Mr William Harvie, £20: amounting in all to £5120,—now assigns for payment "to the saidis advocattis, ilk ane for thair awin part respective, as is befoir specifit, sa mekle of the reddiest of the dewetie aucht to his Hienes for the proffite of the said cunyehous, viz., the sum of £355, 11s. 1¾d. of the rest of the said first termes dewtie of the cunyehous, attoure the sowme abonewrittin, assignit for payment to the toun of Edinburgh; and, for payment of the rest of the said sum of £5120 awand to the saidis advocattis, extending to £4764, 8s. 11½d., sa mekle of the reddiest of the dewetie aucht to his Hienes, for the proffite of the said cunyiehous of the secund termes payment thairof, viz., at the last day of Februar nix to cum, in the yeir of God j^{m}v^{c} foure scoir ane yeris." The assignations are ratified by every formality of phraseology, *e.g.*, "this present assignatioun, quhilk his Hienes promises in the word of ane King to warrand, acquite, and observe in all poyntes aganis all deidlie, but fraude or gyle;" and the Lords of Session are to pay respect to the rights of the assignees in all points in any actions that may come before them, "notwithstanding that the principall contract anent the tak of the cunyie be registrat in the buikis of Previe Counsale, or ony uther exceptioun declinatour that may be proponit in the contrar." Acta 1579-81. Page 584.

Protest against the above assignation.

Protest by Alexander Clerk of Balbirnie, provost of Edinburgh, for himself and the other tacksmen of the cunyiehous, that they do not consent "to the acceptatioun of the particuler assignationis abonewrittin."

Dalkeith, 17th June.

Suit of David Hume, minister, against Mr John Douglas.

Complaint of David Hume, minister, as follows:—"Being providit to the personage of the paroche kirk of Chirneside," he has an action depending before the commissaries of Edinburgh against Mr John Douglas, for reduction of the provision made to Douglas of the said parsonage; but, in the meantime, Douglas, and others in his name, "tending to frustrat the compliner of proces thairin," have procured the King's licence for him "to remane furth of this realme for the space of five yeris, and that he sall not be callit upoun the title of the benefice foirsaid befoir the saidis commissaries befoir the expyring of the said licence." Such licence "is sinisterlie purchest, upoun wrang narratioun maid to oure Soverane Lord, *tacita et suppressa veritate*, without knawlege had be his Hienes of the entres or sute of ony partie in speciall," and "is to the hinderance of justice, and expres contrar the tennour of the Act of Parliament." —The usual charge had been given to Douglas to appear and answer; and, "the said David Hume comperand personalie, and the said Maister Johnne Douglas comperand be Maister Alexander King, younger, his procuratour, quha producit twa licences grantit to the said Maister Johnne, the ane of the dait at Halyrudehous the fourtene day of Februar and Page 585.

Acta 1579-81. of oure Soverane Lordis regnne the xiii yeir, and the uther at Halyrudehous the xxvi day of November, and of his Hienes regnne the fouretent yeir," the Council, after deliberation, "decernis and declaris that the foirsaidis licences grantit to the said Maister Johnne sal have full strenth, force, and effect for his departing and remaning furth of this realme during the space contenit thairin allanerlie," but "dischargeis that part thairof twitching the non-persute of him in the meyntyme upoun the title of his benefice, and ordanis the saidis commissaris to proceid and minister justice in the said mater persewit be the said David Hume aganis the said Mr Johnne, conforme to the lawis of this realme, and order observit in sic caissis, notwithstanding the said licence or ony thing thairin contenit."

Caution in £2000 by James Gledstanis of Coklaw, and Robert Scott and Mungo Scott, burgesses of Edinburgh, for the entry of Walter Scott of Goldelandis in ward in Edinburgh Castle upon the 5th of July next. Edinburgh, 18th June. Caution for Walter Scott of Goldielands.

Page 586. *Sederunt*—Jacobus, Comes de Arran; Joannes, Comes de Montrois; Willielmus, Dominus Ruthven; Joannes, Dominus Maxwell; Georgius, Dominus Seytoun; Andreas, Dominus Uchiltrie; Commendatarius Newbottill; Commendatarius Sanct Colme; Commendatarius Pettinweme; Clericus Registri; Clericus Justiciarie. Dalkeith, 21st June.

"The quhilk day, in presence of the Lordis of Secrete Counsale, James, Erll of Arran, Lord Hammyltoun, askit instrumentis, that he disassentit to the passing of ane respett cravit to Thomas Ker, sumtyme of Pharnyhirst, knycht, for art and part of the slauchter of umquhile Mathew, Erll of Lennox, oure Soverane Lordis guidsire, and Regent for the tyme, and that in respect that his consent thairto could not bot import violatioun of his aith, gevin of befoir be him to his Majestie at Striveling; quhilk aith he myndit to keip to his uttermaist pouer." [1] Earl of Arran's dissent from the granting of a respite to Sir Thomas Ker of Fernihirst.

[1] Sir Thomas Ker of Fernihirst was a noted Border laird and Roman Catholic, of whose previous career traces will be found in the previous volumes of this Register. He was believed to have been implicated in the murder of Darnley far more than Morton had been, and to have been concerned also in the assassination of Darnley's father, the Regent Lennox. At all events, having been forfaulted in 1571, for the active part he had taken with Kirkcaldy of Grange in the civil war on behalf of Queen Mary, he had been mainly a fugitive, and in exile, through the Regency of Morton. In 1580, after the new Lennox or Aubigny rule had begun, he had obtained licence to return; he had been living since then in Scotland by sufferance; and it was thought characteristic of the man's daring that he had ventured to be a spectator of the execution of the Earl of Morton, standing at a window opposite the scaffold, very conspicuous, "with his large cuffs." Lennox wanted now to have him fully pardoned; but Arran, as the present entry shows, would not agree. Lennox gained his point within the next three weeks. "Upon Wednisday, the 12th of Julie," says Calderwood, "the King being in Dalkeith, the Laird of Phairnihirst, by the Erle of Lennox his mediatioun, gott presence in the gardin after supper; where, sitting down upon his knees, he craved pardoun for his offences; which was granted" (Calderwood, iii. 576). This was not the only point on which Lennox and Arran had begun to differ.

Edinburgh, 2nd June.
Complaint of the poor inhabitants of Inveresk, Monktonhall, and Smeaton, against James Richieson.

Complaint of "the pure inhabitantis of the townes of Inneresk, Montounhall, and Smetoun, to the nowmer of sevin scoir personis," as follows:—"Thay and thair predicessoures hes broukit and joisit thair landis haldin for the tyme of the abbattis of Dumfermling, and rentalit be thame for certane speciall maill and dewtie contenit in thair rentalis." Of late, "umquhile Maister Robert Rechesoun, and James Rechesoun, his sone, obtenit ane few of the saidis landis ower the saidis complineris hedis, be speciall desire and requiest of the Quene, our Soverane Lordis moder, for the tyme; in the quhilk thay band and obleist thame to the Quene and hir successouris that thay on nawyse suld heicht, molest, rais or remove ony of the auld tennentis of the saidis landis and stedings, but hir speciall licence and consent, and hir successouris for the tyme, obtenit thairto." For about five years, however, the said James "hes heichtit the saidis tennentis, and put thame almaist to povertie thairthrow, sua that thay ar not able to pay thair auld maill and dewtie contenit in thair rentale, nor yit serve oure Soverane Lord quhen he commandis thame, expres aganis the tennour of the said reversioun."—Charge to appear and answer having been given in the usual manner, "and Johnne Frog in Inneresk, Edward Merchanistoun thair, David Hill thair, Thomas Duncan in Montounhall, William Younger thair, Alexander Hill thair, Thomas Hill thair, Thomas Fynlay thair, and Mudy thair, comperand personalie, for thameselffis and in name of the remanent tennentis, inhabitantis of [the] saidis townis, and the said James Rechesoun comperand personalie," the Lords, after hearing parties, remit the matter to be pursued before the judges competent. Acta 1579-81 Page 587.

Caution for George Scott and Robert Scott.

Caution by Mungo Scott and Alexander Scott, burgesses of Edinburgh, for George Scott of Syntoun and Robert Scott of Hanyng, now in ward in Edinburgh Castle, in £1000 each, that, being released, they shall remain in ward in the burgh of Edinburgh, and enter again into the castle on the 5th of July next: James Bannatyne of Spittell becoming bound to relieve the cautioners of the premisses.

Edinburgh, 23rd June.
Caution for Johnston of that Ilk.

Caution in 10,000 merks by Thomas Ker of Mersingtoun and Williame Levingstoun of Jerveswod, for the entry of Johnne Johnnestoun of that Ilk in ward benorth the water of Erne by the 24th instant, to remain there till relieved, and for his good behaviour in the meantime.

Another caution for the same.

Caution in £1000 by Robert Johnnestoun of Carnesalloch that, if Johnne Johnnestoun of that Ilk has any other "skrollis, rollis, or indentis concerning the office and charge of the West Wardenrie of this realme" than he has already consigned into the hands of the clerk of Council, he shall deliver the same to Johnne, Lord Maxwell, now warden of the West March.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esme, Comes de

Acta 1579–81. Lennox; Jacobus, Comes de Arran; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven. Dalkeith, 24th June.

Page 588. "Forsamekle as the Kingis Majestie and Lordis of his Secrete Counsale, considering how necessar it is that his Hienes Parliament be haldin, to the effect that the Thre Estaites may concur and advise upoun the ordering of all maters concerning the weill of his Hienes, his realme and liegis, furthsetting of his Majesties authoritie and executioun of justice, civilie and criminalie, throw the realme, and for the order of peace and polecie into the same, findis the tyme for halding of the said Parliament maist proper and convenient to be in the moneth of October nixtocum: thairfore ordanis the directour of the chancellarie to direct preceptis for halding of the said Parliament at Edinburgh the xxiiii day of October nixtocum, with continewatioun of dayes; and that his Hienes thesaurar caus direct and send away the saidis preceptis with diligence, and letters to be direct, gif neid be, for publicatioun heirof be oppin proclamatioun at the mercat croces of the heid burrowis of this realme and utheris places neidfull, sa that nane pretend ignorance of the same. Attoure, his Majestie, with avise of his said Previe Counsale, declaris all uther Parliamentis procleamit to be haldin at quhatsumevir places betuix and the said day, and all summondis execute thairunto, to be desert and ceis." Order for the holding of a Parliament on the 24th of October next.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Esmeus, Comes Lennox; Jacobus, Comes de Arrane; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven; Joannes, Dominus Hereus; Georgius, Dominus Seytoun; Joannes, Dominus Ogilvie; Andreas, Dominus Uchiltre; Magister de Mar; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanctcolme; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie. Dalkeith, 1st July.

The King and his nobility, council, and estates convened at Halyrudehous upon 27th February last [*ante*, p. 360], had ordained "that thair suld be peces struccin of the fynes of ellevin deneris: that is to say, in sextene, aucht, four, and twa schilling peces of this prent,—the lyoun within the scheild with ane clois croun abone the scheild with this circumscriptioun, JACOBUS 6 DEI GRATIA REX SCOTORUM, upoun the ane syde, and upoun the uther syde ane thrissill with ane leif upoun ilk syde, with ane J on the ane syde of the thrissill and ane R on the uther, with this circumscriptioun, NEMO ME IMPUNE LACESSETT, with the dait, with ane littill croun; and als ane pece of gold, of twenty-ane carrat fyne, of foure pundis iiii s. ilk pece, callit the Kingis ducat, of this prent,—the lyoun within the scheild with ane clois croun and this circumscriptioun, EXURGAT DEUS ET DISSIPENTUR INIMICI
Page 589. EJUS on the ane syde, and on the uther syde the Kingis face bairhedit, with this circumscriptioun, JACOBUS 6 DEI GRATIA REX SCOTORUM; and Proclamation concerning new silver and gold coins ordered to be struck.

thir peces baith of gold and silver to be of the fynes foirsaid, having sic wecht and remedis of wecht and fynes as is particularlie specifeit in ane act and assedatioun maid be the Kingis Majestie, with avise of his nobilitie, counsale, and estaites thairupoun." Open proclamation of the premisses is now ordered at the head burghs of the kingdom, charging the lieges to receive the said pieces in thankfull payment, "and na refuis maid thairof," under the pain of treason; also forbidding them "to brek doun ony cunyie of this realme (except the takkismen of his Hienes cunyiehous and thair servandis allanerlie) under the panis following: that is to say, the eschete of sa mekle as salbe apprehendit brokin, and ane hundreth pund for everie falt, to be employit as followis,—to witt, ane thrid to his Majestie, the nixt thrid to the takkismen, and the last thrid to the revelaris, sercheouris, and apprehenders, for thair panes and labouris." Acta 1579-8

Order for stopping confirmation of feus, tacks, etc., granted by the Bishops of Glasgow.

Order that "na confirmationis salbe grantit upoun ony fewis, takkis, giftis of pensionis, or utheris titillis quhatsumevir, off ony landis, teindis, fruites, or utheris deweties pertening to the bischoprik of Glasgow, maid, gevin, and disponit be umquhile James, last bischop of the samin, or ony utheris his predicessouris in ony tyme bygane," but that the same cease, till the King, with advise of such of his nobility and council as he may consult, shall take farther order in the matter. Charge is given, accordingly to "his Hienes thesaurar and remanent Lordis appointit for confirmatioun of fewis of kirklandis, as alsua the kepares of the signet, previe, and great seillis, and writars thairto, that thay nawyse pass ony of the foirsaidis fewis, takkis," &c.

Order against carrying hagbuts and murrions out of the realm.

The King and Council understanding "that thair is sindrie personis, his Hienes liegis and utheris, in reddynes to pas furth of this realme to the partes beyond sey, that myndis to carie with thame hagbuttis and murrionis, quhilkis, be ressoun of the scarsitie of thame, may not gudlie be sparit, bot necessarlie mon be retenit for the bettir furnesing of his Hienes liegis, defence of the realme and furthsetting of his Majesties authoritie," proclamation is ordered at the market crosses of the head burghs of the realm forbidding "all and sindrie his Majesties liegis and utheris, skippers, maisters, and mariners of schippis, crearis, and utheris veschellis," to transport out of the realm, under any colour or pretence, any hagbuts or murrions, under pain of confiscation of the same, escheat of the ships and goods of the offenders, and farther personal punishment. Notwithstanding this order, it is to be lawful for skippers and sailors "to transport with thame hagbuttis and murrionis for defence of thair bodyes and guidis the tyme that thay ar actuallie upoun the seyis." Page 590.

Edinburgh, 3rd July.

Caution for Alexander Guthrie.

Caution in £100 by Alexander Guthre, heir-apparent of Kyncaldrum, for the appearance of Alexander Guthre, servitor of Patrik Guthre of Dagaty, before the justice when warned.

Acta 1579-81. Suit of the King's treasurer, as follows:—"The convent of the abbay of Dumfermling wer oft and divers tymes not only requeistit and desyrit be sindre his Majesties awin letters send unto thame, but als requirit be his Hienes traist cousing and counsalour, William, Lord Ruthven, his Majesties thesaurar, to pas, seill, and subscrive ane letter of tak and assedatioun ellis past and subscrivit be the Commendater of the said abbay to the said William, Lord Ruthven, off all and haill the teind-schavis of his awin landis of Cowsland for the space of nynetene yeiris." Nevertheless "thay, nathing regarding the saidis letters and requeistis, bot in a maner disdanand the same, hes contempnandlie and wilfullie refusit to fulfill and obey the same." Charge had, accordingly, been given to "Thomas Burne, Johnne Angus, Mark Lern, Alexander Aitkin, Alexander Stevin, Johnne Hendersoun, collectour, and Andro Gray, convent of the said abbay of Dumfermling," either to have passed, sealed, and subscribed the said letter within three hours after being charged, under pain of rebellion, or else to have appeared before the King and Council on a certain day bypast and shown cause to the contrary. The said Aitkin, Stevin, and Gray appearing for themselves, and as specially constituted procurators for the other defenders, the allegation on their side was "that the passing and subscriving of the said lettir of tak cravit be the said William, Lord Ruthven, in maner foirsaid, aucht to be done voluntarlie, of fre will and not be compulsion, and farther, that utheris ar in possessioun of thir teyndis, be virtew of takkis ellis sett thairof, quhairof thair is yeiris yit to ryn, and they wer nevir in use of setting of new takkis befoir the expyring of the auld; quhairunto gif thay suld now condiscend, it wald gretumlie prejuge the present takkismen and kyndlie possessouris, and thairwith gener sum further inconvenient." To this the answer of the treasurer, also personally present, was "that his entres to the saidis teindis be virtew of the said tak maid and sett to him in maner foirsaid wes and is efter the expyring of the takkis sett to the present takkismen, and sua nawyise prejugeis thame, and thairfore aucht to be past and subscrivit be the saidis convent without ony excuse or delay."—Parties having been heard, and their reasons considered, the Lords order the defenders peremptorily to pass, seal, and subscribe the letter within three hours after being charged thereto, under pain of being denounced rebels and put to the horn.

Edinburgh, 4th July. The Lord Treasurer Ruthven and the Convent of the Abbey of Dumfermline.

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Protest "for remeid of law" against the above decision by Aitkin, Stevin, and Gray, as procurators for the said convent, because they "ar compellit aganis conscience, as thay allege, to pas, seill, and subscrive the foirsaid letter of tak, quhilk aucht to be done voluntarilie."

Protest against the above decision.

The King and Council understand that, "sen the cuming of his Majesties

Edinburgh, 6th July.[1]

[1] This was the date of the Earl of Arran's marriage to a woman who was to be celebrated henceforward, in connection with him, in the affairs of Scotland. She was Elizabeth Stewart, eldest daughter of John, 4th Earl of Atholl, late Chancellor

Order against the export of loose women from Scotland to Flanders.

subjectis to serve in the weris in the Law Cuntreis within the partes of Flandirs, thair hes cumit thair furth of this realme mony and divers trowpis and cumpanies of licht wemen, uncumly, and indecent in thair maners, countenance, behaviour and array, not being mens wyffis nor having ony necessar knawin effaires or bissynes, using thame selffis in sic debording and disorder as is not only to the offence of God, sclander of his word, and to the tynsale of the great reputatioun quhilkis the saidis subjectis in the partes foirsaidis hes to thame acquirit sen thair cuming thairto, bot alsua to the utter debosching of thame, dishonouring of this realme and natioun, and to the great greif of thame that ar astrictit in his Hienes continewall service; and sic is the libertie of the saidis wemenis passing continewallie in the partes foirsaidis that gretar confusioun and disorder apperis to ensew without remeid be providit." It is, therefore, ordered that proclamation be made at the market crosses of Edinburgh, Dundie, and Abirdene, the pier and shore of Leith, "and all utheris portis and partes neidfull," forbidding skippers, mariners, and owners and masters of ships, "to ressave or transport ony wemen in thair schippis or veschellis towardis the partes foirsaidis in tyme cuming, bot sic as salbe notourlie knawin to be menis wyffis, wemen of gude reputatioun in lyff, and having necessar and knawin effaires thair, and have thair testimoniall and witnessing of the magistratis nixt to the portes quhair the skippers, awners, and mariners [of the] schippis remanis, and the samin testificationis to present to the conservatour [of] the previlegis of this natioun in Flanders or his deputis serving his Hie[nes] in thay partes." The penalty is to be escheat of the ships and goods of the offenders, with farther personal punishment. Acta 1579 Page 592.

of Scotland, and had been twice married already. Her first husband, Hugh Fraser, 6th Lord Lovat, having died in January 1576–7, she had married the King's great-uncle, Robert Stewart, then Earl of Lennox; and it was she, as "Lady Levinax" or "Madame de Lenox," or "Dame Elizabeth Stewart, Countesse of Lennox," that had managed, in January 1579–80, that important transaction of the delivery of the documents of the Lennox Earldom to the King's new French favourite, Lord Aubigny, which was the necessary preliminary to the demission of the Earldom itself by her husband in favour of this nephew of his (*ante*, pp. 256–259). The demission having been completed in the following March, when her husband ceased to be Earl of Lennox, and became Earl of March instead (*ante*, p. 272), she had been known since then,—*i.e.*, for about sixteen months,—as the Countess of March. To be wife of the King's great-uncle, with whatever title, was a high dignity; but it did not suffice. She was young and very beautiful; her husband was old; and there had come on the scene a more kindred spirit, in the daring and magnificent James Stewart of Ochiltree, Captain of the King's Guard, and since Earl of Arran. The consequences had become public. At a time when March, Arran, and Arran's father, Lord Ochiltree, were all sitting together at the Council Board (see sederunt of May 30, *ante*, p. 388), there was a famous suit in progress by the Countess of March, for divorce from her husband, on the ground of his alleged inability to be a husband. The divorce had been obtained easily enough; and now, July 6, 1581, the Earl of Arran and she were legally married. She was then three months gone with child. The circumstances caused great scandal among the clergy and among people generally, but at Court they do not seem to have made much difference. Arran continued to sit in Council as usual, and he and his new wife were conspicuous at Court together. The Earl of March seems to have gone into comparative retirement.

Acta 1579–81. *Sederunt*—Colinus, Comes Ergadie, Cancellarius; Esme, Comes Lennox; Jacobus, Comes Arranie; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven; Robertus, Dominus Boyd; Joannes, Dominus Ogilvie; Joannes, Dominus Hereis; Georgius, Dominus Seytoun; Andreas, Dominus Uchiltre; Magister de Mar; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Sanct Colme; Commendatarius de Deir; Clericus Registri; Clericus Justiciarie. Dalkeith, 10th July.

Mutual complaints of the Gordons and the Forbeses: new orders in consequence.

Mutual complaints of breach of the assurance of peace between the Gordons and the Forbeses [*ante*, pp. 261, 279]. The complainers are George, Earl of Huntlie, Alexander, Earl of Sutherland, Johnne Gordoun of Lochinvar, and Patrik Gordoun of Auchindoun, curators to the said Earl of Huntlie, on the one part, and William, Lord Forbes, Johnne, Master of Forbes, James Forbes of Corsindae, Alexander Forbes of Petsligo, William Forbes of Tolquhone, Johnne Forbes of Toweis, Johnne Forbes of Bruchtes, Mr Duncan Forbes of Monymusk, and William Forbes of Cors, on the other part. The Gordons complain specially of "the slauchter of umquhile Thomas Yule, allegeit committit be certane personis of the surname of Forbes, and utheris thair assisteris and complices upoun the twelft day of Januar last bypast;" and the Forbeses complain specially of "the slauchter of umquhile James Forbes, *alias* Mylneraik, allegit committit be divers personis of the surname of Gordoun, and utheris thair assisters and complices, upoun the xiii day of the said moneth of Januar."—Parties being called, "and the said Patrik Gordoun of Auchindoun, and certane of his freindis, comperand personalie on the ane part, and the said Johnne, Maister of Forbes, and sindre of his freindis, comperand alsua personalie, on the other part," the order, after deliberation, is that the justice-clerk or his deputies "direct letters for calling of the personis quhatsumevir, committers of the foirsaidis slauchters respective, and utheris quhatsumevir, mentionat or comprehendit in the said assurance, quhilkis at ony tyme sen the granting thairof hes been committit, or ony uther crymes or offenssis aganis the tennoure of the samin assurances, upoun speciall informatioun to be gevin be ayther of the saidis parteis, to underly the law thairfore befoir the justice or his deputis in the Tolbuith of Edinburgh, at twa particular dyettis, the ane dyett different only ane [day] from the uther, grantand the prioritie of the tyme to the compliners for the part of the said surname of Gordonis, be ressoun thair man and servand is allegeit to be first slane." Farther, "his Majestie considering that as, be the passing and granting of the said assurance be his Hienes speciall directioun and commandiment, his Majestie hes speciall enteres thairin, evin sa be the violatioun and brek of the same his Hienes is sumquhat twitchit and offendit unto," it is intimated that, in case any one on either side, having found surety to appear before the justice as aforesaid, shall fail to appear, or shall be found guilty when he does appear, or in case any, denying to be tenants,

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servants, or retainers of either party, shall be proved to be such, or, "at the leist to be sic as for quhom thay aucht to answer be the tennour of the saidis assurances," then the party to which such persons belong shall be declared by his Majesty to have broken the assurance, and shall be "estemit and puneist according to the tennour thairof." Still farther, "that nathing salbe attemptit quhilk may hinder the said order and tryall to be tane, or move occasioun of further trouble in the meyntyme," both parties are charged, through their representatives personally present, who stand bound for them by the assurances, "to keip and observe the haill pointes, claussis, and conditiones of the samin unviolat, and on nawyse to move further trouble nor mak provocatioun of trouble," under pain "of incurring of his Hienes heich displeasour and indignatioun" and prosecution to the utmost. Acta 1579–

Dalkeith, 12th July.

Captains Bruce and Scrymgeour to repair to the Middle March.

Captains James Bruce and William Scrymgeoure are commanded to pass, "with thair cumpanyes of men of weir under thair chargeis," to the Middle Marches with all diligence, for the King's service, according to the direction to be given them by William Ker of Cesfurd, warden of the Middle Marches.

Edinburgh, 13th July.

New suit in the quarrel between Lord Borthwick and his wife.

New suit of William, Lord Borthuik, against Dame Grissell Scott, his spouse. He adverts to the former decree of the Council [*ante*, p. 34] ordering him to pay her 30s. daily for her maintenance during the dependence of her action of divorce against him, and complains that, under that decree, she intends now, "for verie malice," to put him to the horn. His plea is that, since the giving of that decree and the obtaining of the letters of horning under it, they had both submitted their quarrel to the decision of the Privy Council, who had, on the 13th of December 1578, pronounced another decree for their reconciliation [*ante*, p. 54], and that after that decree he had sent certain of his friends and servants—viz., Sir James Forster of Corstorphing, Sir William Lauder of Haltoun, Johnne Borthuik of Newbyris, Mr Adam Johnnstoun, provost of Creichtoun and commissioner of Lauthian, and Robert Wauchop of Nudremerschell, younger—to her dwelling place in Edinburgh, requiring her "to cum and adheir to the said compliner, as become hir of dewitie, to be treatit and intertenit be him at bed and burd, and all uther honest effaires necessar for hir estate, conforme to Godis commandiment and to the act and ordinance maid be the saidis Lordis of Previe Counsale" [*ante*, p. 108]; but that, "efter lang schiftes and driftis," she had "refusit alluterlie to adheir to the said compliner." There was proof of this in "ane autentik instrument tane thairupoun, producit befoir the saidis Lordis." It is clear, therefore, he says, that the fault is on her side, and that "the said compliner aucht not nor culd not have bene compellit to have payit hir ony sowmes of money for hir daylie sustentation, in respect of hir refusall foirsaid and the saidis Lordis decrete of reconcilatioun: quhilk of hir awin consent annullit the said proces of divorce, and dischargeit and tuke away Page 594. Page 595.

Acta 1579–81. the saidis Lordis former decrete, with letters of horning and poinding and all executioun thairof for payment of the said xxx ℔. daylie;" and so, it is represented, "the saidis letters of horning and poinding, with all utheris letters and chargeis of captioun, warding, and not delivering of houssis, following thairupoun, purchest be the said Dame Grissell for allegeit not obeying of the saidis lettirs of horning, and all executionis thairof, aucht and suld be suspendit in all tymes cuming."—Parties having been called, "and the said William, Lord Borthuik, comperand be Maister William Heart, his procuratour, and the said Dame Grissell Scott comperand personalie, with Maister William Harvie, hir prelocutour," the decision, after hearing and deliberation, is as follows:—"Findis the saidis lettirs of poinding, horning, and captioun following thairupoun, to be orderlie procedit and direct, and thairfore ordanis thame to be put to further executioun in all pointes, conforme to the tennour thairof, notwithstanding the ressonis of the foirsaidis letters of suspensioun purchest be the said William, Lord Borthuik, as said is, becaus the said Dame Grissell is reponit in the same place that scho wes in befoir the geving of the said decrete of reconciliatioun upoun the said xiii day of December, and the said decrete dischargeit be act and ordnance of Previe Counsale, lyke as wes cleirlie understand to the saidis Lordis."

Dalkeith, 15th July. Six of the Council appointed to hear Sir James Balfour.

The King and his Council "having consideratioun that Sir James Balfoure hes, be his sute, desirit maist humblie" to be heard in presence of the King, or of some of his Council, Colene, Earl of Ergile, chancellor, William, Lord Ruthven, treasurer, Johnne, Lord Hereis, Robert, Commendator of Dumfermling, secretary, Mark, Commendator of Newbottill, and Alexander Hay, clerk of register, are appointed to hear "the conditioun and estate of the said Sir James cause, and to report to his Majestie, that thaireftir his Hienes may tak further ordour heiranent as appertenis."[1]

[1] The petitioner of this entry was that lawyer-statesman Sir James Balfour of Pittendreich, already mentioned several times in this volume (see pp. 174, 185, *footnotes*), whose career in Scottish history has earned for him from Knox the name of "Blasphemous Balfour," and from Principal Robertson the opinion that he was "the most corrupt man of his age." That career had begun in intimate companionship with Knox in the Castle of St Andrews, when it was held as the one Protestant fortress in Scotland after the assassination of Cardinal Beaton, and afterwards when they were prisoners together in the French galleys (1547–50). At that time Knox certifies that he was "the cheaf and principall Protestant that then was to be found in this realme," and "wold have gevin his lyef, yf men mycht credite his wordis, for defence of the doctrin that the said Johnne Knox tawght" (*Hist.* i. 202). But he had changed his religion; and, after having held ecclesiastical appointments as official of Lothian and parson of Flisk, he had been made a Lord of Session under Queen Mary (1561), and had been knighted, admitted of her Privy Council, and made Clerk-Register (1566). He had been taken into Bothwell's confidence in the matter of Darnley's murder, and the special historical tradition is that he had drawn up the band of mutual support signed by the conspirators in that transaction. For some time in 1567 he had been Governor of Edinburgh Castle for Mary and Bothwell; but he had provided for his safety with the confederate lords by enabling them to obtain possession of the famous Casket letters of Mary, which Bothwell had committed to his charge, and then by surrendering the Castle itself. In Moray's regency for James he had

Orders for the Warden's proceedings in the Middle March.

For the redress of past offences in the district of the Middle Marches and the better ordering of the district in future, it is ordered that the landlords, masters, and cautioners of persons complained of shall be charged by William Ker of Cesfurd, warden and justice of the said March, to enter them to days of ["trew"], and otherwise at such times as they may be charged, "conforme to the generall band and order usit in sic caissis," and that, if they fail, then the warden shall charge the said landlords, masters, and cautioners to enter themselves, or some other sufficient persons, for his relief; "quhairin gif thay sall alsua failye, that then the said warden sall use force, alsweill upoun the same landislordis, maisters, and cautioners, as upoun the personis fylit, or upoun baith, as he sall think expedient, conforme to the commissioun already gevin to him to that effect." Further, "gif thair be ony personis duelland within the said Middle March, already fylit or to be fylit [in] billis, quhais landislordis and maisters ar presentlie dissobedient or denuncit rebellis to his Majestie and fugitive fra his lawis," then, "upoun dissobedience or absence of the saidis personis fylit," the warden is to "persew the same personis lykewyse with force, quhill thay be apprehendit and enterit for his releif." Captains Bruce and Scrymgeour, already ordered by the King to the Middle March [*ante*, p. 402], are commanded to assist the warden in the executioun of the premisses. Acta 1579-Page 59

Edinburgh, 16th July.

New caution for Scott of Goldielands.

Caution in £2000 by Paull Doig of Coldoch for Walter Scott of Goldelandis, that he shall answer, when warned, for the "brek of the assurance" committed by the Scotts and their partakers in the hurting of Dand Ellott of Braidley by Robert Scott of Eidschaw. In respect of this act of caution, the sureties formerly found by the said Walter for his entry in Edinburgh Castle [*ante*, p. 395] are discharged.

New caution for Scott of Haning.

Caution in £1000 by Alexander Scott, burgess of Edinburgh, to the same effect, for Robert Scott of Hanyng; whose former cautioners [*ante*, p. 396] are in like manner discharged. Page 597.

Edinburgh, 17th July.

New Caution for Scott of Syntoun.

Caution in £1000 by Johnne Edmestoun of Ryislaw, to the same effect as in the last two entries, for George Scott of Syntoun, the former cautioners for his entry in Edinburgh Castle [*ante*, 396] being also relieved.

Caution for John Lindsay of Covington.

Caution in £2000 by Alexander Lyndsay of Vane, Johnne Levingstoun of

been of the Privy Council, and had received the Commendatorship of Pittenweem and the Presidency of the Court of Session (1567); but in the Regency of Lennox, having been charged for his share in the murder of Darnley, he had reverted to the party of Queen Mary. He had incurred forfaulture in consequence in 1571. Having subsequently been useful to Morton in the beginning of his Regency, he had been rehabilitated in 1573 (Reg. Priv. Coun. vol. ii. pp. 174, 175); but, the fatal charge having been revived, he had of late been a fugitive in France. There had been negotiations with him there, however, in order to procure evidence from him to convict Morton, and he had returned privately to Scotland on that business. His present application, doubtless, was with a view to full pardon and restoration.

Acta 1579-81. Belstane, and David Lyndsay of Barneyairdis, that Johnne Lyndsay of Covingtoun or his friends "sall on nawyse molest, trouble, nor mak impediment to" Adame Ros, Johnne Cokburne, Andro Dikesoun, Nicoll Williame, Jonet Twedie, widow, David Broun, Robert Hammyltoun, Johnne Jaksoun, Jonet Broun, widow, Patrik Lowis, William Lawsoun, James Hammyltoun, "nor to the remanent tennentis" of the £20 land of the half barony of Brochtoun in Peoblesshire: the said Johnne Lyndsay and Johnne Lyndsay, his son and apparent heir, relieving the cautioners.
Page 598. Caution also by the same persons in £2000, that the said Johnne Lyndsay shall not assault or trouble Mr Johnne Scharp, advocate, or the men and tenants of his lands of [Houstoun?] in Linlythgowshire.

Edinburgh, 18th July. Tacksmen of Cowstoun against Lord Ruthven.

Supplication to the King and Council "be Dame Ewfame Wauchop, Lady Edmenstoun, Johnne Edmenstoun of that Ilk, hir sone, and Patrik Edmenstoun, siclike hir sone, takkismen of the ane half of the teind-schaves of Cowsland, and James Rig of Carbarrie, takkisman of the uther half of the saidis teindschaves," as follows:—Lord Ruthven "be his awin moyen and upoun his awin informatioun," has obtained letters "chargeing the convent of the abbay of Dumfermling to seill and subscrive to him ane nynetene yeir tak of the teyndschaves of Cowsland, within ane verie schort space, and upoun scharp panes [*ante*, p. 399]; and in cais of the said conventis refusall, being ane nowmer of pure symple men," he intends to inflict the penalty. Since then, however, the King, "being bettir informit of the mater, and understanding the said sute to be ane unkyndlie dealing, tending to the inverting of the compliners just titillis of the saidis teindschaves, being ancient possessouris thairof, and havand yit . . . yeris to ryn, to the space of fyve yeris or thairby, having possest the same past memor of man," has "directit his effectuus lettir to the Commendater and conventuall brethir of the said abbay," requiring them, on conscience, "effectuuslie to renew to the saidis ancient possessouris thair titillis of the saidis teindschaves, sua that thay may continew in possessioun thairof." The present complainers, "as having speciall entres in the said mater," plead that they "aucht to be admittit for thair defence in the said caus befoir the said convent be preissit, throw informatioun of ony uther party, to do that thing aganis thair conscience that may tend to the inverting of the saidis compliners just titillis," and humbly pray the King and Council therefore to admit them as parties "to propone thair ressonis and to produce thair titillis for thair defence thairin befoir ony-
Page 599. thing be procedit at the instance of the said William, Lord Ruthven, aganis the said convent."—Edmenstoun of that Ilk appearing for himself and in name of his mother and brother, and James Rig also appearing personally, and Lord Ruthven also being personally present, the debate proceeds. Lord Ruthven "allegit that he hes ellis obtenit decrete aganis the said convent of Dumfermling, with quhom he hes only ado in this cais, and not with the saidis compliners, and sa, the mater being endit be geving of the said decrete as said is, thay aucht not now to be

hard." In reply, "the saidis Johnne Edmenstoun and James Rig protestit that, seing thay gaif in the said supplicatioun befoir the geving of the said decrete," therefore "the same decrete, nor na uther thing done or to be done in this jugement, suld on nawyse prejuge thair takkis and titillis ellis obtenit and to be obtenit be thame of the saidis teindis." Then, Lord Ruthven, "adherand to his former allegeance," protested that, "seing the tak purchest be him is of the teindis of his awin landis and heritage, and for the releif and ease of his awin tennentis, quhilk equitie and gude conscience allowis, quhairof intimatioun wes maid of befoir to the said Johnne Edmenstoun, James Rig, and utheris thair colligis foirsaidis, quhairthrow thay can pretend na ignorance of the same," therefore "na takkis purchest or to be purchest be thame, seing the purchessing thairof sensyne mon put thame *in mala fide*, prejuge onywyse the said tak sett and be the said decrete ordanit to be past, seillit, and subscrivit." [The Council appear to have given no decree in the matter: at least, none is here recorded.] Acta 1579

Edinburgh, 20th July.

Complaint of certain feuars within the regality of Holyrood-house against the Abbot of Holyrood-house.

Complaint of Johnne Kincaid, James Bellenden of Pendreich, and James Bellenden of Bakspittill, all heritable feuars of the lands of Warestoun, as follows:—"Adame, bischop of Orknay, commendater of the abbay of Halyrudehous, allegeand ane taxt of fourty thowsand pundis devisit to be upliftit of the Estaittis of this realme, quhairof £20,000 be the spiritualitie thairof [*ante*, p. 360], hes obtenit letters upoun ane act of Secrete Counsale, and thairwith hes causit charge the saidis compliners to mak payment to the said Commendatar of the sowmes of money underwrittin, everie ane of thame particularlie as followis,—viz., the said Johnne Kyncaid the sowme of £6 for releif of the said taxt for his landis of Warestoun, being £12 land as the said Commendatar allegeis, and mair of the sowme of £3 for the said Johnnes landis of Huik, extending as the said Commendatar allegeis, to £6 land lyand within the baronie of Kers and schirefdome of Striveling; and the said James Bellenden of Pendreich the sowme of £8 for releif of his part of the said taxt for his landis of Pendreich, allegeit be the said Commendater to be £16 land; and the said James Bellenden of Bakspittell the sum of uther £8 for releif of ane uther part of the said taxt for his saidis landis of Bak and Foir Spittellis, allegeit be the said Commendater to be ane uther £16 land,—within ten dayes nixt efter the charge, under the pane of rebellioun; and failyeing thairof to put thame to the horne." This he intends to do; and that wrongfully, "be ressoun it is of veritie that the saidis letters ar generall, not condiscendand to quhat sowme the said haill abbacy is taxt, to the effect that thay and everie ane of thame mycht knaw thair partes thairof, according to the avale of thair landis particularlie foirsaidis: viz., the said Johnne Kyncaidis landis of Warestoun being only 25 ß. worth of land, and the saidis landis of Huik only ane pund land; and the said James Bellendens landis of Pendreich being only ane foure [merk] land; and the said James Bellendens landis of Bak and Foir Page 600.

Acta 1579–81. Spittellis being only ane uther foure merk land." The complainers plead that they are not justly indebted for any part of the said tax, "in respect that thay nor nane of thame ar nather frehalders, vassellis, subvassellis, bot ar fewaris only, subject to thair few dewteis [for] thair foirsaidis landis particularlie at twa termes in the yeir, and [fewaris] of kirkland nevir payit ony taxt, nor wes subject thairto, in tyme bipast, bot evir the prelat payit the samin himself." [From this point, for some space, the Record is not continuously legible; but the words that are legible seem to urge more particularly the plea that the complainers, as feuars only, ought to be wholly exempt from the tax.] "And, gif thay be onywyse subject to ony part of the said taxt . , as thay ar not, thay ar content to mak payment of thair partes thairof, extending to the avale of thair saidis landis, conforme to the taxt roll maid of the haill landis of the said abbay be the fewarris and frehalders thairof, autentiklie subscrivit be the clerk of court, producit before [the said] Lordis of Secrete Counsale: viz., the said Johnne Kyncaidis part of the said taxt of sex scoir twa pundis xii ß. vii. đ., being 6 ß. 3 đ. for his saidis landis of Warestoun, and 5 ß. for his saidis landis of Huik; and the said James Bellenden of Pendreich his part of the taxt for his landis thairof, being ane foure merk land as said is, is twa merk; and the said James Bellenden of Spittell for his landis thairof, being ane uther foure merk land as said is, is uther twa merk, as the taxt roll at mair lenth beris. And swa thair partes of the taxt of the said abbacy, gif thay may justlie be addettit thairin, extendis only to the sowmes foirsaidis: quhilkis sowmes, and farther as our Soverane Lord and Lordis of his Hienes Counsale thinkis expedient, the saidis compliners ar content presentlie to consigne in the clerkis handis, under protestatioun that it be nawyse prejudiciall to thair infeftmentis of thair saidis landis maid to thame of auld." On these grounds, they pray that the letters of horning against them "be suspendit simpliciter upoun thame in tyme cuming, at leist quhill speciall liquidatioun be maid to quhat sowme the said haill abbacy is taxt and quhat thay suld pay thairof for thair partes."—The Commendator of Halyrudehous having been charged to answer, and, on parties being called, "the said Johnne Kyncaid, James Bellenden of Pendreich, and James Bellenden of Bakspittell, comperand personalie, and the said Adame, bischop of Orknay, commendatar foirsaid, being alsua personalie present," the
Page 601. case had been heard; and now the Lords "remittis the said mater to be decydit be the Thre Estatis in the nixt Parliament, and in the meyntyme ordanis the foirsaidis sowmes ellis consignit in the handis of the said clerk of Counsale to be deliverit be him to the collectour-generall of the said taxatioun or his deputis, for releif of the present chargeis, without prejudice alwyse to thame to recover the samin, or sa meikle thairof fra the said commendater as he salbe decernit to mak deliverie thairof, as accordis."

Similar complaint, in all but identical wording, against the same Abbot

Similar complaint by the feuar of St Leonard's against the same Abbot.

of Halyrudehous, by "Patrik Creichtoun of Lugtoun, heritable fewar of the landis callit Sanct Leonardis landis, with the pertinentis lyand within the regalitie of Brochtoun and schirefdome of Edinburgh."—Letters have been obtained against him by the said Abbot, charging him, "as ane of his frehalders, to mak payment to him of the sowme of £10 for releif of his part of the said taxt for releif of his saidis landis of Sanct Leonardis landis, being twenty husband landis, as the said Commendater allegeis, within ten days efter the charge under the pane of rebellioun;" and he is in danger of being put to the horn accordingly. He pleads, as the former complainers had pleaded, that such action is wrongful, [1] "be ressoun the saidis letters ar generall, not condiscendand to quhat sowme the said abbacy is taxt, to the effect the said Patrik may knaw quhat taxt he suld pay according to the avale of his land, only being ane merk land;" and [2] that he is not bound to pay any part of the tax, "in respect he is nother frehalder, vassell, nor subvassell, bot ane fewar, subject only to the payment of his few dewtie for the saidis landis at twa termes in the yeir;" and he adds, that "gevand that he wes onywyse subject to the payment," he had been overcharged,—"his part of the said taxt of sex scoir of pundis being v ß. x d." by any proper reckoning. His prayer, like that of the former complainers, therefore, is that the letters against him be suspended simpliciter, or at least till the proper sum is ascertained.—In this case also, both parties having appeared and having been heard, the order is to remit the matter "to be decydit be the Thre Estaittis in the nixt Parliament," and in the meantime that the sums consigned in the clerk's hands "be deliverit be him to Arch[ebald] Grhame, depute to the generall-collectour of the said taxt, for releif [of] the present chargeis, without prejudice to recover the same fra the said [Com]mendater, in cais he salbe decernit sa to do."

Acta 1579-8

Page 602.

Complaint against the same Abbot by Sir David Hamilton of Fingalton.

Similar complaint against the same Abbot of Halyrudehous by Sir David Hammyltoun of Fingaltoun, knight.—The Abbot has charged him, "without ony copy of lettirs, to mak payment to him of the sowme of fyftene pundis of money, for his allegeit part of the lait taxatioun impute upoun the said abbay of Halyrudehous for his landis of Salt Prestoun, extending, as the said Commendater allegeis, to xxxi oxgang of land, under the pane of rebellioun," and is about to follow up the charge by a process of horning. Now, "be the lait taxatioun, everie pundland is stentit to x ß. money allanerlie, and na land stentit be the oxgang; lyke as alsua trewth it is that the saidis landis of Prestoun extendis only to twa merkland ane half." Accordingly, the complainer has offered the sum of seventeen shillings in money to the said Commendator, "as for his part and mair;" but the Commendator "hes alluterlie refusit to accept the samyn," as can be proved. "For superabundance, and eschewing of the danger of horning, the said compliner is content presentlie to consigne the said sowme of sevinitene schillingis for his part of the said taxatioun, and, further, sall find cautioun that he sall pay mair, as the saidis Lordis

Acta 1579–81. sall find expedient."—In this case also, both parties having appeared personally, and having been heard, the order is to remit the matter to the next Parliament, and meanwhile to deliver the money consigned in the clerk's hands to Archebald Grhame, depute to the general collector, without prejudice to the complainer's right "to recover the same fra the said Commendater, in cais he salbe decernit sa to do."

Edinburgh, 20th July. Complaint of Lady Westraw against her son, James Johnston of Westraw.

Page 603. Complaint of Florice Somerwell, relict of the late James Johnnstoun of Westraw, as follows:—She is lawful possessor of the third and terce of "the saidis landis of Westraw and thrid of the foure oxingang of land at the kirk . , togidder with the landis of Moit, and all uther landis quhairin he deit infeft and sesit." Nevertheless, "James Johnnstoun now of Westraw, hir sone, in the yeir of God j^{m}v^{c}lxxv yeris, come to hir duelling houssis in the Moit, and thair unkyndlie, aganis all ressoun and conscience, maisterfullie reft, spuilyeit, and awaytuke hir haill guidis and geir, and laid hir plewis; and, siclike, in the yeris of God lxxix and lxxx yeris wranguslie intromettit with and uptuik hir haill fermes of hir terce landis of Westraw, extending to great quantitie and prices; and now, laitlie, upoun the sext day of Julii instant, come to hir duelling hous in the Moit, and violentlie ejectit and furthput Johnne Jarden, hir servand, his servand, and guidis; and daylie and continewallie sensyne molestis and troubles hir in possessioun of hir leving."—The usual charge had been given to the defender; and, "the said Floreis Somerwell comperand personalie, and the said James Johnnstoun being oftymes callit and not comperand," the order is to denounce him rebel, and put him to the horn and to escheat.

Edinburgh, 27th July.

Sederunt—Jacobus, Comes de Arran; Jacobus, Comes de Glencarn; Hugo, Comes de Eglintoun; Andreas, Dominus de Uchiltre; Commendatarius de Dumfermling; Commendatarius de Sanct Colmis Inche; Commendatarius de Culros; Clericus Registri; Advocatus.

Dispensation to Johnston of that Ilk.

The entry of Johnne Johnnstoun of that Ilk in ward beyond the water of Erne [*ante*, p. 396] is dispensed with till 15th of August next, "to the effect he may remane heir or at Dalkeith for persute of his actiones dependand befoir the Lordis of Secrete Counsale."

Complaint of Alison Campbell and her husband against the Commendator of Kilwinning.

Page 604. Complaint by "Elesoun Campbell, relict of umquhile William Kirkpatrik, minister at Kilwyning, and ane of the monkis thairof, and [Neill Montgo]merie, now hir spous, for his interes," as follows:—They have been charged by Alexander, Commendator of Kilwyning, in the sum of 40s., as their contribution to the general tax of £40,000, voted by the Estates of Parliament, "for resisting of foreyne invasioun, and repressing of thevis;" and he threatens to put them to the horn for non-payment. Now, the charge is founded upoun "ane yearly pensioun quhilk the

said Alesoun Campbell hes of ten bollis meill, ten bollis beir, xx ℔. of silvir, and twelf stanes of cheis;" which pension "wes gevin to the said umquhile William Kirkpatrik, minister, and to the said Alesoun, fre for thair lyftymes of all impositionis, taxtis, and stentis." Besides, "the said pensioun is assignit to be payit to the said Alesoun be certane tennentis of Kilwyning, quhom the said Commendater hes already poindit for thair part of the said taxt." On these grounds, the complainers "aucht in nawyse to be troublit, nor put to the horne for ony part of the said taxt," and the letters of horning against them "suld be suspendit simpliciter." The usual charge having been given to the Commendator to appear and answer, and he having appeared, as well as Neill Montgomerie, for himself and his wife, "the Lordis of Secrete Counsale, for ony thing thay have yit hard, ordanis the saidis letters direct for releif of the said Commendater to be put to further executioun in all poyntes, conforme to the tennour thairof." Acta 1579–8

Edinburgh, 28th July. Caution for Thomas Hall.

Caution in £1000 by James Hammyltoun and Alexander Cuby or Cubyn in Prestoun, for Thomas Hall in Prestoun, possessor of the ship called "the Angell," that he shall deliver the half thereof, "with hir furniture and with the proffites of hir viage," to David Vause in Leith, if it be found that Vause has right to the same.

Dalkeith, 29th July.

Sederunt—Esme, Comes de Lennox; Jacobus, Comes de Arran; Page 605.
Jacobus, Comes de Glencarn; Hugo, Comes de Eglintoun; Willielmus, Dominus Ruthven; Joannes, Dominus Maxwell; Georgius, Dominus Seytoun; Joannes, Dominus Ogilvie; Andreas, Dominus Uchiltre; Magister de Mar; Commendatarius Dumfermling; Commendatarius Sanct Colme; Commendatarius Newbottill; Computorum Rotulator; Clericus Registri.

New proclamation in the matter of the coinage.

In order that the act for reforming the coinage [*ante*, p. 360], may "tak the bettir effect and executioun," proclamation is ordered at the market crosses of the head burghs charging the lieges to bring to the cunyiehouse, "upoun the pryces that thay ar presentlie currant within this realme, to be transformit and reducit as is abone mentionat: that is to say, all the xxx, xx, and x schilling peces, with the testanis, within foure monethis efter the publicatioun heirof;" also all the "half merk, xl*d*., and xii*d*. peces, with the babeis and all uther sortis of allayit money [except the stamped placks and pennies], within twelf monethis alsua nixt efter the same publicatioun; certefeing thame, and thay failye, that the same sal have na further cours fra thyne furth, bot, quhairevir the samin sal happin to be apprehendit thaireftir, salbe eschetit and applyit as followis: that is to say, ane third to the Kingis Majestie, the nixt thrid to . d taxmen, and the Page 606.
last thrid to the revelars and apprehenders use, for thair panis and labours, togidder with the . and unlaw of ane hundreth pundis to be uptaken of all personis contravenand the premissis, to be applyit as said is."

Acta 1579–81. After preamble declaring the inconveniences and damage to the King's interests caused by the continued practice of obtaining his private signature to deeds of gift and pension out of Crown property, and reference to the Acts on this subject—viz., the Acts of Parliament at Striveling, July 1578, and Edinburgh, November 1579 [Acts of Parl. iii. 97 and 151], and the Acts of Privy Council of Sept. [Oct.?] 1580 and Jan. 1580 [*ante*, pp. 326, 349]—the King and Council ordain "the saidis Actis to be of new intimat to all his Hienes ordinar officiaris of estate and house, and to the keparis of his signet, privie, and great seillis, commanding thame and everie ane of thame to attend diligentlie to the keping of the formes and order appointit in the saidis Actis, and on nawyse to violat or transgres the same, as they and ilk ane of thame will answer to his Hienes upoun thair allegeance at thair uttermaist charge and perrell." It is also ordained afresh that all letters, signatures, or promises obtained "in uther forme nor is appointit in the saidis Actis of Parliament and of Secrete Counsale (quhilkis his Hienes ordanis to be publischit heirwith,)" are null and void, and *ipso facto* revoked. Further, "be it alwyse understand that, quhair heirtofore the day for louking of lettirs, signatouris, and supplicationes presentit to his Majestie, tuitching gift, grace, pensioun, or precept, wes appointit to be oulklie on Weddinsday, the same sall fra this furth be kepit ordinarlie everie Settirday in the morning, or at sic uther convenient tymes in the oulk as his Hienes sall find proper, being accumpanyit with sic of his Counsale as he sall pleis to call unto him to considder quhat maters presentit to him necessarlie requiris the advise of his haill Counsale sittand, and quhat may then instantlie be answerit." New order for enforcing the Acts against private solicitation of the King for gifts and promises.

Page 607. On these occasions one of the Secretary's deputes is always to be present, "to testifie, be his handwrite on the bak of all lettirs, quhilkis salbe aggreit unto or refusit."

Caution in £200 by Johnne Lyndsay of Blaksolme for James, Earl of Glencairn, "that the said Erll sall satisfie, obey, and fulfill the effect and tennour of oure Soverane Lordis lettirs purchest be Johnne Flemyng of Boghall, tuitching the desisting and ceissing fra further intromissioun with the landis, places, houssis, and utheris specifeit in the saidis lettirs and ente[r him in] possessioun thairof, conforme to the tennour of the same lettirs in . cais it salbe found and declarit be the Lordis of Secret Counsale that the said Erll aucht to do the same." Caution for the Earl of Glencairn.

Sederunt—Esme, Comes Lennox; Jacobus, Comes de Arran; Willielmus, Dominus Ruthven; Patricius, Dominus Lyndsay; Georgius, Dominus Seytoun; Joannes, Dominus Ogilvie; Joannes, Dominus Maxwell; Andreas, Dominus Uchiltre; Magister de Mar; Commendatarius Dumfermling; Commendatarius Newbottill; Commendatarius Sanct Colme; Computorum Rotulator; Clericus Registri. Edinburgh, 5th August.

Registration, at the instance of the Earl of Lennox, now donator of the escheat of the late Earl of Morton, of an obligation for £500 made to the Regent.

Application, as follows, by "his Hienes dearest cousing and counsaloure, Esme, Erll of Lennox, Lord Derneley, Dalkeith, and Aubigney, etc.," on whom his Highness has bestowed "the eschete of all debtis, sowmes, obligationes, actis, contractis, etc., quhilkis pertenit to umquhile James, sumtyme Erll of Mortoun, Lord Dalkeith, etc." The application states that "Cornelius de Voiz, Abraham Petersoun, Johnne Kelliner, Helias Clutene, Almanis, as principallis, and James Reid, burges of Edinburgh, and James Skathowie, indwellar of the Cannogait, as cautioners and souirteis for thame," had bound themselves conjunctly and severally, by obligatory letters subscribed at Halyrudehous on the 7th of February 1574–5, to repay to the Earl of Mortoun £500 lent by him to the said principals, and to register the obligation in the books of Council, that it might have the force of an Act. As the said sum of £500, "and richt thairof and actioun resultand upoun the said obligatioun," now pertain to the Earl of Lennox, charge had been given to the two cautioners above mentioned, resident in Edinburgh, to appear before the Council and see the obligation registered in his interest, or show cause to the contrary.—"Quhilkis being callit, and the said Esme, Erll of Lennox, comperand personalie, and the said James Reid and George Skathowie alsua personalie c[omperand]," the Lords, having heard both parties, order "the said obligatioun of the dait foirsaid to be insert and [registrat in] the saidis buikis of Secrete Counsale, to have the strenth of ane act and decrete of the saidis Lordis, and interponis thair authoritie thairto, and ordanis lettirs and executoriallis to be direct thairupoun in maner specifeit thairin, conforme to the said claus of [consent?] contenit in the samin, without prejudice alwyse to the saidis [James Reid and George Skathowie to] use thair defenssis aganis the executioun." There follows accordingly the letter of obligation, so ordered to be inserted. It begins "Be it [kend till all] men be thir presentis that we," and it goes on to promise, for the four Germans, as principals, and for their two Edinburgh cautioners, the repayment to the Earl of Mortoun, his heirs, executors, and assignees, "betuix the dait heirof and the first day of August nix to cum, bot farther delay, fraude or gyle," of the £500 which the Earl had lent to the principals, all the abovewritten obliging themselves at the same time "to releif and keip skaithles the said George Skathowie, his aires, and executouris, of the premissis," and also consenting to the registration of their obligation in the books of the Privy Council. This original obligation, dated "at Halyrudehous the sevint day of Februar, the yeir of God j^{m}v^{c}lxxiiii yeris," is subscribed by the four principals and the two cautioners in order, "befoir thir witnessis, Johnne Aitchesoun, maister of the Kingis Majesties cunyehous, Alexander Hay, and William Wylie, with utheris divers." Acta 1579-81. Page 608.

"The Kingis Majestie calling to remembrance how the erldome of Lennox, lordschip of Derneley, and barony of Torboltoun, being the ancient heritage of the Erlis of Lennox (of quhom his Majestie is dis-

Acta 1579-81. cendit), succedit unto his Hienes be the death of umquhile the King, his Hienes dearest father, and of his Majesties guidsire, Mathew, Erll of Lennox, Regent to his Hienes, his realme and liegis for the tyme, and, efter dispositioun maid be his Hienes of new of the saidis erldome, lordschip, and barony, to his Majesties father brother Charles, likwyse Erll of Lennox, throw default of aires maill in his persoun, and be virtew of his Majesties revocatioun, the same erldome, lordschip and baronie, returning agane to his Hienes (his dearest and only great-uncle, Robert, Erll of Marche, quha wes alsua infeft in the saidis earldome, lordschip, and barony, yielding his place), his Majestie, having still ane ernist desire of the standing of the said hous of Lennox in the possessioun of his nixt cousingis maill of the same hous and blude, thairfore gaif and disponit heritablie to his dearest cousing, Esme, Erll of Lennox, Page 609. Lord Derneley, Aubigny, and Dalkeith, great chalmerlane of this realme, and his aires, the saidis erldome of Lennox, lordschip of Derneley, and baronie of Torboltoun, with the honouris, richtis, and privilegis pertening thairto; quha, movit of great and singular affectioun toward his Majestie, come furth of the realme of France, his native cuntrie, to serve and attend upoun his Majestie, and to brouke the title, and to occupie the hous and leving quhairof he is discendit, and quhairunto it hes pleasit his Majestie to advance and promove him, having sparit na panes, perrell, nor chargeis in that quhilk micht further his Majesties authoritie and service: And now, his Majestie, having yit . re . to honoure and advance the house quhairof his Majestie on the part . dearest father is discendit, for the memorie of his noble and worthie . . of the stok and familie, and for the gude and worthie deserving of the said . l of Lennox, his dearest cousing, toward his Majestie, and for utheris ressonable caussis and considerationes moving his Hienes thairto, hes thairfore maid, creat, constitute, and incorporat the said Erldome of Lennox in ane haill and fre Dukerie, to be callit the Dukerie of Lennox in tyme cuming, and the said Lordschip of Derneley, in ane haill and fre Erldome, to be callit the Erldome of Derneley in tyme cuming, and the said Baronie of Torboltoun, in ane haill and fre Lordschip, to be callit the Lordschip of Torboltoun in tyme cuming, without prejudice of the unioun, annexatioun, and utheris previlegeis grantit in the infeftment maid thairupoun of befoir; and als hes maid, constitute, nemmit, and ordanit in tyme cuming, his said dearest cousing, Esme, Duik of Lennox, Erll of Dernelie, Lord of Aubigne, Torboltoun, and Dalkeith, with all honoures, digneteis, prerogatives, richtis, rentis, previlegeis, proffites, commodities, and deweties belangand thairto, to be broukit, joisit, usit, occupeit, and possest be him, siclike and als frelie in all respectis and conditionis as ony utheris hes broukit the title, richt and possessioun of quhatsumevir dukerie, erldome, lordschip, and baronie, within this realme in tyme bygane; and that letters be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croce of Edinburgh and utheris places neidfull, chargeing all

The Earldom of Lennox constituted into a Dukedom in favour of the King's cousin, Esmé Stuart.

and sindre erlis, lordis, baronis, and utheris his Hienes subjectis, to acknawlege and reverence his said dearest cousing according to the stile, place, and titillis befoir specifeit: ordaning him to be investit thairin with all solempniteis requisite."[1] Acta 1579–81

Order against the resetting of denounced rebels and other defaulters on the Borders.

Preamble states that "the personis underwrittin" [whose names, however, are not inserted] had been denounced rebels and put to the horn "for nonentre of certane personis for quhom thay wer obleist befor the warden of the Middle Marche of this realme, for his releif of sindrie billis quhairin thay wer fylit at the handis of the opposite warden;" and also that the following persons had been found liable to "divers panis and unlawis," and had had letters of distraint issued against them therefore:—viz., Alexander Hume of Manderstoun, Johnne Lummisden of Blanerne, Henry Ogill of Hertremwod, Patrik Burne in the Hill, Johnne, Lord Maxwell, Robert Maxwell of Cowhill, Johnne Johnnstoun of that Ilk, Alexander Jarden of Apilgirth, Patrik Dunbar, fiar of Cumnok, William Douglas of Caveris, Alexander Burnefeild of Neddir Manis, James Burnefeild of Quitehous, Alexander Burnefeild of Gordoun Manis, Sir James Hume of Coldounknowis, knight, George Douglas of Bonejedburgh, Sir Thomas Turnebill of Beddroule, knight, Walter Scott of Goldelandis, James Langlandis of that Ilk, William Turnebill of Bernehillis, Johnne Carmychaell, younger, of that Ilk, Walter Scott, younger, of Tuschelaw, Martene Ellott of Braidley, Gawin Ellott, sometime of Newbigging and now in Swynnisteyis, Sym Armstrang of Mangertoun, Lancy Armstrang of Quhithauch, Johnne Turneble of Mynto, Will Scott in Montbernger, Will Ellott, called Elder Will, Adie Ellott, called Cawdes, and Hob Ellott of Heuchous. Now, "as his Hienes is surelie informit Page 610. the guidis and geir of the foirsaidis rebellis and adjugeit personis ar sparpallit and devidit in the handes of sindre personis, be quhom thay ar alsua ressett and kepit, in defraude of our Soverane Lord and of his Hienes thesaurar," the order is that there be proclamation at Jedburgh, Hawick, and other places needful, charging "all and sindre his Hienes liegis quhilkis hes ressett ony of the foirsaidis personis rebellis or thair guidis, or the guidis of the saidis [other] personis [who have incurred the] saidis unlawis," to "remove and put fra thame" the said persons, with their goods and gear, "and on nawyse tak upoun hand to ressave or ressett thame in tyme cuming, under quhatsumevir colour or pretence, under the pane of confiscatioun of the guidis ressett, with all the movable guidis and geir of the personis ressetters, to his Hienes use," besides other punishment.

Edinburgh, 9th August.

Caution for Hume of Wedderburn.

Caution in £10,000 by William Cokburne of Langtoun and Johnne Ker, younger, of Littilden, for George Hume of Woddirburne, that he

[1] "Upon Moonday, the eight of August, the Erle of Lennox was proclamed solemnlie Duke of Lennox, Lord Darnlie, Lord Torbowton, Dalkeith, and Tantallan, Great Chamberlane of Scotland, Commendatare of Arbrothe" (Calderwood, iii. 576).

Acta 1579-81. shall not intercommune with Archibald, Earl of Angus, or his accomplices, nor supply them with "meit, drink, house, or herbrie."

Hume of Wedderburn obliges himself to relieve his cautioners of the premisses in the last entry. Edinburgh, 11th August. Hume of Wedderburn's caution.

Order to the Treasurer, Lord Ruthven, "to caus intromet with the cornis and crop of the manis of Thomptalloun" for the current year, "except the teindis of the same disponit to Esme, Duke of Lennox;" which corns and teinds had belonged to Archebald, Earl of Angus, but now "pertenis to the Kingis Majestie and to the said Esme, donatoure to the saidis teindis," in consequence of the sentence of horning passed against the said Earl for his non-appearance to answer for treason. The Treasurer is to "caus sell and mak penny of the saidis cornis, and of the . . reddiest of the same to caus beit and mend his Hienes ordinance and . . being within his Majesties Castellis of Edinburgh, Striveling, Dumbertane . in all necessaris neidfull, and to convert sa mekle of the rest as sall alsua be thocht neidfull to the sustentatioun of the kepars of the castell of Thomptalloun, allowand samekle daylie to the keparis thairof as A[lexander] Hume had the tyme he kepit the same." Page 611. Edinburgh, 12th August. Warrant to the Treasurer to intromit with the corns and crop of Tantallon, forfeited by the Earl of Angus.

Complaint by "Johnne Lauder in Finglie [Singlie?] in Ettrik Forrest, Johnne Stoddert in Carsop, and William Laidlay thair, tennentis and occupiaris of his Hienes awin proper landis in Ettrik Forrest," as follows:—On or about the 13th of January last, "Hob Rowtlege, *alias* Kincruke, Little Rowie Forster in Baikstoungill, and utheris thair complices, Englischemen, to the nowmer of xviii personis, all bodin in feir of weir, come to the saidis compliners houssis and duelling places of Finglie and Carsop, and thair maist cruellie, by all order of law and justice, under clud of nicht, thiftuuslie staw, reft, and awaytuke xx ky and oxin fra the said Johnne Lauder, togidder with the haill plennesing of his house and insicht thairof; and siclike the saidis personis, with thair complices, maist audatiouslie and violentlie reft fra the said Johnne Stoddert ane hors and geir appertening thairto in the following of his nichtbouris geir quhilkis the saidis thevis had stowin, and tuke thame all thre perforce with thame as captives to England, quhair thay remanit be the space of ane moneth prisonars hevelie fettirt and bound with fettirs and irnes, and wald not suffer nor permit thame returne hamewart to thair awin houssis unto the tyme that thay on force wes compellit to find caution for great ransonis to thame, to thair utter wrak, herschip, and skaith; off the quhilkis ransonis thair is part payit and uther part yit restand to pay, and thair cautioun the Lard of Mangertoun is put at extremelie for thair ransoun quhilk restis awin as yit." They have complained to Lord Maxwell, warden of the West Marches, "quha hes the saidis Hob Rowtlege, *alias* Kincruke, Little Rowie Forster in Baikstoungill, and utheris thre thevis Complaint by certain tenants in Ettrick Forest of outrages by English thieves.

quha wes at the saidis compliners herschip and taking, presentlie in handes within the plege chalmer of Drumfreis; quhilkis thevis wer taken be Robert Maxwell, capitane of Langholme, cumand into this realme to do the like herschippis upoun utheris." Lord Maxwell's answer, however, is "that he can tak na order with thame, in respect thay ar Englischemen, without his Hienes and the saidis Lordis speciall command."—Charge having been given to Lord Maxwell to answer to this complaint, and "the saidis complineris comperand be William Stewart of Caverstoun, thair procuratour, and the said Johnne, Lord Maxwell, comperand personalie," the Lords order Lord Maxwell to detain Hob Rowtlege and Little Rowie Forster within the said pledge-chamber, "on nawyse to be put to libertie unto the tyme that the cautioun found be the saidis complineris for payment of thair ransonis be dischargeit, and thay satisfeit for the guidis taken fra thame." Acta 1579. Page 612.

Charge of the King's wardrobe committed to the Duke of Lennox, and of the stable to Sir John Seton.

The King and Council, considering the "great and exhorbitant expenssis maid upoun his Hienes apparrell and for the accowterment of his horssis in his stable, and that notwithstanding his Hienes is not weill servit thairin," and believing that this arises "throw confusioun of sindrie personis taking upoun thame the owersicht and directioun in thay maters," order that in future the charge of contracting for his Majesty's wardrobe shall be with "his dearest cousing, Esme, Duke of Lennox," Great Chamberlain of the realm, and the care of the accoutrement of the horsis and stable with "his traistie and weilbelovit servitour, Sir Johnne Seytoun, knycht, great maister of his Hienes horssis," who is also to see to "the clething of his Majesties pageis and allacayes." All orders for the King's apparel and furnishing of the stables are to be given by these two in future, and all tradesmen's accounts for the same certified by them before payment; and his Majesty's domestic servants and officers are to be warned that, if they presume to give any orders for the apparel or the stables, "not having the precept and warrand of the saidis Duikis grace, his Hienes great chalmerlane, and of the said Sir Johnne Seytoun, great maister of his Hienes horssis, ayther of thame in thair awin particular chairge," they will incur punishment, "and na payment salbe maid for ony stuff or merchandice" so ordered.

Dalkeith, 19th August.

Sederunt—Esme, Dux Lennoxie; Jacobus, Comes Arrane; Joannes, Comes Mortoun;[1] Willielmus, Dominus Ruthven; Georgius, Dominus Seytoun; Joannes, Dominus Ogilvie; Commendatarius Newbottill; Computorum Rotulator; Clericus Registri; Clericus Justiciarie.

[1] The person who now appears as Earl of Morton, in succession to the great Regent who had been executed on the 2nd of the preceding June, is the nobleman hitherto known as John, Lord Maxwell. A charter of the earldom in his favour, with forfeited lands of the late Regent, had passed the Great Seal immediately after the Regent's death (June 5: *see* Acts of Parl. iii. 262), though he had continued, for some reason, to be named in the intervening sederunts of the Council still as only Lord Maxwell.

Acta 1579–81. Complaint by "his Hienes pure tennentis of the stewartre of Fyff," that "James Betoun of Creich, stewart of Fyff, allegeand him to have command of Sir William Murray of Tullebarden, knycht, his Hienes comptrollar, hes cravit and chargeit the saidis compliners for payment to him of the doubling of the fewfermes and maillis of his Hienes saidis landis at the entre of ilk air, albeit thay wer nevir in use of payment of the same in tyme bygane, bot allanerlie in the doubling af the few maill and not the fewfermes of the saidis landis; nather" . . —The usual charge having been given, and "Michell . . . Macolme, and William Couper, tennentis of the said stewartrie, comperand personalie for thameselffis, and in name of the remanent tennentis thairof, and the said Sir William Murray comperand alsua personalie, for himself and in name of the said James Betoun," the order is that the comptroller and stewart "superceid the craving or chargeing of the saidis tennentis for payment to thame of the doubling of the fewfermes of thair saidis landis at the entre of ilk air in tyme cuming," until the King and Council take further order.

Complaint of the King's tenants in the Stewartry of Fife.

Page 613.

Complaint of Allan Cathcart of Tulle . . go, as follows:—On a previous complaint of his to the King and Council "anent the divers great herschippis and oppressionis committit be Patrik Makkie, brother-german to Alexander Makkie in Quhitehillis, upoun the said compliner, in waisting of his landis, slaying and reving away of his guidis, presoning and ransoning of his freindis and favourars," he had obtained letters, and had "thairwith causit charge Patrik Agnew, schiref of the schirefdome of Wigtoun, quhair the said Patrik Makkie remanis for the tyme, to tak and apprehend him, and to put him in sure firmance." The sheriff having refused to do this, the complainer had renewed his complaint to the King; whereupoun "his Majesties missive lettir wes direct to Johnne Kennedy of Blairquhan, to tak the said Patrik Makkie to the effect foirsaid; quha, immediatlie efter the ressait of the said lettir, obeyit the samin, and serchit, socht, tuke, and apprehendit him, and kepit him surelie, ay and quhill Gilbert Kennedy of Girvenmanis and Archibald Makkie of Myretoun tuke the said Patrik of the said Johnne Kennedyes handis in thair custodie and keping, to be furthcumand and answerable quhen his Hienes suld have occasioun to require thame to that effect." But now "the said Patrik, perceaving that, sen his taking and apprehensioun foirsaid, thay have not callit for his entre, bot that he eschapis puneischement for his former offenssis, takis the gretar courage to committ wickit dedis, and procedis in his accustumed oppressionis, in halding of the said compliners landis waist, the samin being haldin of his Hienes self and pertening to his Majestie as a part of his propertie, for the quhilk he is addettit to pay large yeirlie maill: throw the quhilk waist, maill-paying, and tyning of the proffites of the saidis landis, he is utterlie wrakkit, and wilbe unable ayther to pay maill or serve his Hienes in tyme cuming without remeid be providit."—The usual charge having

Allan Cathcart against Patrick Mackie and others.

been given to the chief culprit to appear personally, and to Kennedy and Archibald Makkie to produce him or show cause to the contrary, and "the said Allan Cathcart comperand personalie, and the saidis Gilbert Kennedie, Archibald Makkie, and Patrik Makkie, being oftymes callit and not compeirand," the order is to denounce them rebels, and put them to the horn and to escheat. Acta 1579-Page 614

Dalkeith, 23rd August. Archibald Auchinleck of Cumlege and certain of his tenants against Beatrix Lyle and others.

Complaint of Arthoure Montgomerie, William Carfra, and Thomas Thomsoun, "tennentis and occupiaris of the landis of Borthuik within the sherefdome of Berwick, pertening to Archibald Auchinleck of Cumlege, thair maister," and of the said Archibald for his interest, as follows:—On the 7th of July last, "Robert Duns, servand to Beatrix Lyle, auld Lady Wadelie in Hardens, of hir causing, command, sending, and ratihabitioun, James Duns, servand to Alexander Raburne in Duns, siclike of his causing, command, sending, and ratihabitioun, Patrik, Adame, James, Johnne, and Thomas Cokburnis, brethir to Williame Cokburne of Langtoun, Ritchard Allan and George Wilsoun, his domestik servandis, George Cokburne and Alexander Currie in Langtoun, with thair complices, to the nowmer of fiftie personis or thairby, all bodin in feir of weir, with jakkis, steilbonettis, Jedburgh stavis, speris, bowis, hagbuttis, and pistolettis, prohibitit to be worne or usit be the Actis of Parliament and Secrete Counsale, and utheris wappinnis invasive, come to the onsettis and houssis of the saidis landis pertening to the saidis compliners, and thair, at thair awin handis, by all ordour of law and justice, not only maisterfullie, perforce and be way of deid, schoitt thame to thair awin durris, ejectit and put thame, thair wyffis, barnis, and fameleis, of the saidis landis, and gaif thame divers straikis to the effusioun of thair bludis in great quantitie, schoring to have slane thame be schott of thair saidis hagbuttis and pistolettis, and halding of thair uther wappinnis to thair breistis, bott alsua that thay have settin doun thameselffis in the saidis compliners rowmes, intromettit with thair cornis, plennesing, insicht, and guidis being thairon, mynding to posseid and dispone thairupoun, lyke as thay have already disponit upoun a great part thairof, as lauchfull pray and conqueis, and to wrak and herrie the saidis compliners for evir, thair saidis wyffis, barnis, and houshald in the meyntyme lyand out under dykis, in poynt of tynsale."—The usual charge having been given to all the defendants to appear and answer under pain of rebellion, and Archibald Auchinleck having appeared for himself and the rest of the complainers, "and the said Patrik Cokburne comperand personalie, for himself and in name of Adame, James, Johnne, and Thomas Cokburnis, his brethir, and the said Robert Duns, Richard Allan, George Wilsoun, George Cokburne, Beatrix Lyll, Alexander Raburne, James Duns, and Alexander Currie, being oftymes callit and not compeirand," the Lords [1] "remittis the said mater to be persewit befoir the judge competent thairto as accordis;" [2] in the meantime "ordanis the said Patrik Cokburne to find souirtie actit in the buikis of Secrete Counsale, that he, be himself Page 615.

Acta 1579–81. and his said brethir and all [utheris th]at he may lett, sall on nawyse invaid, molest, trouble, nor mak impediment to the saidis compliners" under pain of £1000; [3] order letters to issue for denouncing the defendants who have not appeared and putting them to the horn and to escheat.

Caution by Dikkesoun of Ormistoun and Walter Scott of Eidschaw, in £2000, for the appearance of Cristie Irwing, son of Edward Irwing of the Boneschaw, on fifteen days' warning. The two cautioners subscribe "with oure handis at the pen led be Johnne Andro at oure command, becaus we can not write," and Andro appends his name. Edinburgh, 26th August. Caution for Christie Irving.

Caution in 5000 merks by Johnne, Earl of Montrois, and Johnne Sterling, younger of Craigbernat, that Johnne Sterling of Gloret and Lucas Ste[r]ling of Baldorane, "presentlie in ward within the Castell of Blaknes," shall, if set at liberty, either enter and present Williame Striveling, "committer of the slauchter of umquhile Macolme Kyncaid," before the King and Council by the 1st of October next, or else recommit themselves to custody in Blaknes on the said day. "Sic subscribitur: Montroise. Johnne Sterling, younger of Craigbernat, with my hand at the pen led be Johnne [Andro] at my command, becaus I can not write—Joannes Andro." Edinburgh, 29th August. Caution for John Sterling of Glorat, and Lucas Sterling of Baldoran.

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"The quhilk day Robert, Lord Boyd, promittit, in presence of the Kingis [Majestie], to entir and present Archibald Lorimer, messinger, befoir his Hienes jus[tice or] his deputis, as the said Lord salbe requirit thairto, upoun sex dayes war[ning], as he will answer to his Majestie upoun his faith and honnoure. Sic subscribitur: R. Boyd." Glasgow, 6th September.[1] Lord Boyd's promise to produce Archibald Lorimer.

Order to denounce Robert Craufurd of Smedeschaw, and put him to the horn and to escheat, for non-appearance as charged on a certain day bypast before the King and Council, "to have answerit to sic thingis as suld have bene inquirit of him." Glasgow, 18th September. Order to denounce Robert Craufurd of Smiddyshaw.

Complaint of Robert Logane of Restalrig, as follows:—"Be the space of fyve yeris continewallie bypast he hes bene in persute and proces befoir Glasgow, 19th September. Complaint of Robert Logan of Restalrig against Patrick Hume and others.

[1] "Upon the 28th of August the King went to Glasgow, and stayed in those parts till the 16th of October" (Calderwood, Appendix, viii. 212). The removal of the Court and Council to Glasgow at this point seems to connect itself with an event of some importance in the history of the Kirk. Mr James Boyd, titular Archbishop of Glasgow, having died in June this year, and the see being thus void, "it was suggested to the Duke of Lennox by some flatterers," says Spotswood, "that he had a fair occasion presented to make himself Lord of that city, and of the lands pertaining to that see, if he should only procure a gift thereof to some one that would make a disposition of the same to him and his heirs. The offer was made to divers, who refused all, because of the condition required." At last Mr Robert Montgomery, minister of Stirling, till then extremely zealous against the order of Bishops, was found willing to accept the vacant title on the proposed terms. "A gift was thereupon formed," says Spotswood, "and a bond given by him that, how soon he was admitted Bishop, he should dispone the lands, lordships, and whatsoever belongeth to that prelacy, to the Duke and his heirs, for yearly paiment of 1000 pounds Scots, with some horse-corn and poultry" (Spotswood, 316).

the Lordis of Sessioun aganis Patrik Hume, brother-german to Alexander Hume of Manderstoun, for removing fra certane landis pertening to the said Robert heritablie, callit Nethir Byre, Reidhall *alias* Flemyngtoun-Fluris, lyand within the schirefdome of Berwik." Some time ago he had "obtenit not only decreit befoir the saidis Lordis aganis the said Patrik, and Jonet Allane, his spous, as principallis, bot alsua aganis George Hume, brother to the said Patrik; quha, efter the said Robertis first decrete of removing obtenit aganis the said Patrik, maist inorderlie be way of oppressioun intrusit himself in the possessioun of the saidis landis," thereby putting the complainer to the trouble of a second action, with "great and exhorbitant expenssis." Though he had thus succeeded in his two actions, and "hes usit the haill solempnities requisite conforme to the lawis of this realme, quhairby he micht justlie intromet with the saidis landis as pertening to him in proper heritage," yet "Johnne Hume, alsua brother to the said Patrik, upoun his pretendit maner of bangeistarie and oppressioun, in the said Robertis absence furth of the saidis landis of Nethirbyre, thair being sober nowmer of personis thairon, upoun the last day of August last bypast, under sylence of nycht, come to the houssis of the samin, and, perceaving s . . personis thairin upoun the last day of August last bipast, come upoun the morne, the first day of September instant, to the barne of the said Nethirbyre, and thair perforce and be way of deid wranguslie and maisterfullie brak up the lokkis thairof, reft, spuilyeit and awaytuke twenty bollis of aitis, being lyand threschin within the said barne, pertening to the said Robert, and schorne be him upoun the saidis landis, and being in his possession for the tyme as his awin proper guidis. And sua the said Patrik Hume, as principall, perceaveand that na law nor justice [can] nor may n[ot] defend him to possess the saidis landis, he in maner [foirsaid instig]attis, [pro]vokis and movis the saidis brethir, and speciallie [the said Johnne Hume], to use the said oppressioun aganis the said Robert, [his servandis and] guidis, albeit it is of veritie that thair standis deidlie feid betuix the said Alexander Hume of Manderstoun and the said Robert (quha of auld [persewit him and his] servandis of thair lyffes be schedding of thair blude) [as yit unreconsilit], and sa wald provoke him, his freindis and servandis, to [forther inconvenient], without ony feir of God, and as gif thair wer na puneis[ment for thir] manifest wrangis and oppressionis."—Charge to appear and answer having been given to the said George Hume of Cramycruke, Thomas Hume, his brother, Alexander Hoppringle in Cauldstreme, Patrik Hume of Rentoun, and Andro Gardiner in Gradin, and they not appearing, while the complainer appears in person, the order is to "command and charge the saidis George and Thomas Humes, George Hoppringle, Patrik Hume, and Andro Gardiner, yit as of befoir, to restore and deliver agane the saidis twenty bollis of aittis to the place quhair the samin wes wranguslie tane away, within xlviii houres nixt efter the charge, under the pane of rebellioun and putting of thame to the horne, and, gif they failye thairin, the saidis xlviii houres being bypast, to denunce thame rebellis," etc.

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Acta 1579–81. Pages 618–9. The foresaid persons, having again failed to obey the charge given to them, are denounced rebels.

Former decision against the Warden of the Middle March reversed.

[This entry, which is only in part legible, from the decay of the Record, is a] continuation of the case in dispute between William Ker of Cesfurd, Warden of the Middle Marches, on the one hand, and Dand Davidsoun, Johnne Davidsoun, Robert Davidsoun, and Walter Middlemest, on the other hand, with Dand Tait involved as a third party. As long ago as September 1577, Ker had been decerned by the Privy Council to pay back to the three Davidsouns and Middlemest the sum of £220, with costs, exacted from them in his wardenship for cattle stolen from Thomas Gray of Chillingham, Englishman, they having been cleared of the charge of that theft [vol. ii. pp. 639, 640]. Ker had immediately afterwards appealed against this decision, on the ground that he had acted in good faith in the execution of his office, and that the proper person to suffer, if any, was Dand Tait of Dowknow, Scotsman, upon whose information the parties had been accused; and the Lords had accordingly ordered this Dand Tait to reimburse Ker [vol. ii. pp. 651, 652]. The case, which had been complicated by a farther decree of Council ordering Ker to pay the acquitted persons £40 for their expenses in coming to Edinburgh [vol. ii. p. 669], had been reopened on the 19th of December 1579 by a new appeal of Ker, accompanied by an offer of Dand Tait to make good his original charge [*ante*, pp. 251, 252]. A day had then been assigned to Dand Tait for the production of his proofs; but nothing more is heard of the case in the Council Books till now. From the present entry it appears that the case had been again called on the 25th of April 1580, when, "the said William Ker, warden foirsaid, comperand be maister Johnne Russell his procuratour, and the saidis Dand Davidsoun, Johnne Davidsoun, Robert Davidsoun, and Walter Middlemest comperand personalie, with Maister Thomas Westoun thair prelocutour, and the said Dand Tait being alsua personalie present," Dand Tait had again "grantit that he wes the avower of the saidis personis foule of the said bill to the said warden quhairupoun procedit thair fyling, lyke as he than as of befoir avowit and offerit to prufe thame foule of the samin bill be ane sufficient acquittance conforme to the lawis of the Bordouris, and failyeing thairof wes content and consentit to pay the bill of his awin proper guidis, and
Page 620. utherwyse to underly the danger and pane of his Hienes lawis." [From this point the imperfection of the record makes it impossible to follow the case minutely; but, from the words legible, it appears that it had again been before the Council, and that] Dand Tait had failed in his promised proof. The Lords therefore wholly rescind their former decree against the warden, and make Dand Tait responsible; ordering him to pay the money, "with coistis, skaithis and expenssis," within ten days after being charged, under pain of rebellion, horning, and distraint of goods.

Caution by George Elphinstoun, burgess of Glasgow, for Mr Archebald

Glasgow, 20th September. Caution for Mr Archibald Craufurd, parson of Eaglesham.

Craufurd, parson of Eglischame and vicar pensioner of Kilmarnok, that he shall make furthcoming to Alexander, Commendator of Kilwyning, "for his relief of his part of the taxt of the said abbacy," such a tax "for his yeirlie pensioun of 20 merkis as the Kingis Majestie and Lordis of Secrete Counsale sall find expedient to be gevin." Acta 1579–81.

21st . . . . . Dominus Boyd; Dominus Uchiltrie; [Comme]ndatarius de Newbothill; [Comme]ndatarius de St Colme; . . . . . Page 621.

Alexander Barclay against the Provost and Bailies of Edinburgh.

[From the words that remain in the decayed Record, it appears that the entry relates to a] complaint by Alexander Berclay against the provost and bailies of Edinburgh for having imprisoned him in the Tolbooth for non-payment of a tax. His plea is that, as a servant of the King, he has the privilege of exemption, by virtue of a gift passed under the privy seal, from "any taxtis, stentis, impoistis."—To answer the complaint there had been summoned Alexander Clerk, provost, and Alexander Udwart, William Naper, James Nicoll, and John Sym, bailies, of Edinburgh; and, as they have not appeared, while the complainer does appear, the order is that they cease from molesting him and respect his privilege. Page 622.

Command, on the petition of the Earl of Rothes, not to insist on the reduction of the forfeiture of the late Norman Leslie in the coming Parliament.

[This entry, which is much torn, narrates] a supplication to the King and Council by the Earl of Rothes, praying that they will not insist in the coming Parliament on "the reduction of the forfaltour of umquhile Normand Leslie," but will stop the process till the Earl be heard. "Quhilk being red, hard, and considerit be the Kingis Majestie and the saidis Lordis, and his Hienes calling to rememberance that, at the tyme that commandiment wes gevin to libell the said summondis of reductioun, it wes gevin his Majestie to understand that the said Erll had consentit thairto, without the quhilk his Hienes meanit nawyse to do ony thing in this cais that mycht tend to his hurt, and now finding that the said Erll hes gevin na sic consent, and that, gif proces salbe led upoun the saidis summondis, he salbe greatlie prejudgeit, the Kingis Majestie thairfore, with avise of the saidis Lordis, commandis his Hienes advocat to desist and ceis fra all insisting in persute of the saidis summondis at the said Parliament now approcheing, bot to lett the same desert, and nawyse to direct or persew the lyke summondis in tyme cuming quhill first the said Erll be callit and hard befoir the directioun thairof, dischargeing him all utherwyse thairof and of his office in that part."

Caution for the Commendator of Coldingham.

Caution by Johnne Cokburne, younger of Ormistoun, for Alexander, Commendator of Coldinghame, "that the said Commendater sall reposses Alexander, Lord Hume" . . . [rest of the Record too much destroyed to make farther clear the purpose of the caution]. Page 623.

Caution by the same Johnne Cokburne, younger of Ormistoun, for Alexander

Acta 1579–81. Hume of Manderstoun, Jasper Hume . . . in Monynet, "that thay sall reposses Alexander Hep[burne] . . sumevir landis, rowmes, offices and possessiones, quhilkis . . . the Lordis of Secrete Counsale he sould be repossest," under a penalty of £500 [record much destroyed]. Caution for Hume of Manderston and others.

William [surname and other parts of the wording destroyed at this point] having been convicted at a recent justice court, held in the Tolbooth of Edinburgh, of circulating "certain fals and adulterat money," and his Majesty, partly of pity, and partly on account of "the simplicitie" appearing in the prisoner, from which it might be "supponit that he hes bene ignorantlie persuadit," having commuted the sentence of death into that of banishment for life, and ordered the convict to quit the realm on or before the 5th of November next, "and on nawyse to return agane thairin under the pane of deid," proclamation is ordered "at the mercat croces of Edinburgh, Hadingtoun, Kelso, Jedburgh, and Selkirk and utheris places neidfull," charging all sheriffs, officers, and magistrates, and others "to tak and apprehend the said William, he being fundin in ony part within thair boundis and jurisdictioun efter the said fyft day of November nix to cum, and to caus execute him to the deid, without favour, proces or other forme of jugement to proceid; for the quhilk thir presentis salbe to thame sufficient warrand and commissioun." Holyrood-house, 19th October. Order respecting a person convicted of circulating false money, whose sentence of death has been commuted.

Begins "Forsamekle as sindre of the nobilitie and utheris of the estaittis of this realme ar presentlie convenit to treat and conclude upoun certane great and wechtie maters in this present Parliament," and directs com- Page 624. mand to issue in customary form to all the lieges to keep the peace and abstain from feud during the sitting of the Parliament, under pain of death. [This entry, the later portion of which is partly torn away, is printed as an Act of Convention in the Acts of Parl. iii. 192]. Holyrood-house, 20th October. Order that the King's peace be kept during the meeting of Parliament.

Complaint [much destroyed] of Hew Montgomerie of Hasilhead against Agnes Stewart, Johnne Hammyltoun, her son, Johnne Smyth, messenger, her servant, and others, to the effect that, during his absence in the King's service in Glasgow, they had forcibly broken into his manor-house of Cambuskeith, seized the "haill guidis and geir being thairintill," and still detain both house and goods.—The defendants having been charged to deliver the house and goods "under the pane of tressoun," or else to appear and show cause to the contrary, and parties having been called, "and the said Hew Montgomerie comperand personalie, and the said Johnne Hammyltoun comperand alsua personalie, for himself and as procuratoure for the saidis Agnes Stewart and Johnne Smyth," and Hammyltoun having "producit ane decrete gevin be Mathew Campbell of Lowdoun, knycht, schiref of Air, upoun the xix day of August last bypast, with ane precept past thairupoun, of the dait the fyftent day of September thairefter, subscrivit be George Angus, scherif-clerk of the said schirefdom of Air, be virtew Complaint of Hew Montgomery against Agnes Stewart and others.

quhairof Johnne Smyth, ane of the serjandis and officiaris of the said schirefdome, past upoun the last day of September, in cumpany with Nicolas Scherar, ane of the schiref-deputis of the said schirefdome, to the said maner place of Cambuskeith, and thair, in presence of the said schiref-depute, be virtew of the said precept, the durris and yettis of the said maner place being oppin and patent, enterit the said Agnes Stewart, obtiner of the said decrete and purchessar of the said precept, to the peciable possessioun of the said maner place be entering hir and certane hir servandis within the samin, conforme to the tennour of the said precept,"— the Lords, after deliberation, "in respect of the saidis decrete and precept," seem, in effect [for only some words of their decision remain], to have dismissed the complaint, without prejudice to the complainer's right of farther action at law. Acta 1579–8 Page 625.

Holyrood-house, 21st October.

Sederunt—[First names have disappeared] Georgius, Dominus Seytoun; Joannes, Dominus Ogilvie; Andreas, Dominus Uchiltre; Alexander, Magister de Mar; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Sanct Colme; Computorum Rotulator; Clericus Justiciarie; Clericus Registri; Advocatus.

William Lyn and George Hunter against Mr Henry Mackalyen, advocate.

Complaint [partly mutilated] by William Lyn and George Huntar, as follows:—"About the Feist of Martymes the . . . . , thay being tennentis and firmorars to umquhile [Mr Thomas M°Calyen] of Cliftounhill of his saidis landis of Cliftounhall," Johnne . . of Thescheill, "at command of umquhile James, sumtyme Erll Mor[toun]," had come, with a number of men, to their said lands, cut their ploughs, and struck and threatened their servants. The complainers, in consequence, had been "debarrit fra the occupatioun of the saidis landis" from that date to the "Feist of Beltane last bypast." Then, the Earl of Mortoun "being captive in the Castell of Dumbertane," the said late Mr Thomas, of Cliftounhall, had "re-enterit and repossest the saidis compliners to thair possessiones of the saidis landis." On their re-entry they had "biggit fauldis thairupoun, and sett the samin for maill to sindre personis;" and they had continued in possession till the 6th of the following June, when "Maister Henry Makcalyen, advocat, accumpanyit with certane suldartis and men of weir, to the nowmer of xxiiii futemen, with twelf horsmen, bodin in feir of weir, jakkis, hagbuttis, pistolettis, and utheris wappinnis invasive, come to the saidis landis, and violentlie intrusit himself in the possessioun thairof, and of the houssis beand thairupoun, and ejectit and pat the saidis compliners and thair guidis furth of the samin." Ever since then he "hes withhaldin and withhaldis fra thame thair said steding of Cliftounhall, with the haill proffites quhilk they micht have had thairof, to thair great wrak and herschip; quhairthrow thay ar sa depauperat that thay have na geir to persew the samin, nor may not indure lang pley nor proces thairupoun, and, gif they be not haistelie repossest thairto, thay will tyne thair tilth

Acta 1579-81. and seid."—Charge having been given to the defendant to appear and answer, "and the saidis William Lyn and George Huntar comperand be Patrik Makcalyen, thair procuratoure, and the said Maister Henry Makcalyen comperand personalie," the Lords "remittis the said mater to
Page 626. be persewit befoir" [the judges competent].

The adherents of the late Earl of Morton and of the fugitive Earl of Angus to withdraw from Court on pain of death.

The fugitive Archebald, Earl of Angus, and the late Earl of Mortoun, with others of their chief adherents, having been forfaulted in the present Parliament, but others of their adherents and servants continuing all the same to haunt the King's Court and presence, evidently with no "gude mynd or intentioun," the King and Council order letters to issue commanding all such to remove themselves within three hours, and not to come within [number obliterated] miles of the King without special licence, "under the pane of deid;" with certification that, if they disobey, they shall be executed without favour. [This is the substance: the wording is recoverable only in fragments.]

Edinburgh, 23rd October. Caution for Hume of Cowdenknowes.

Caution in £500, by William Hume, elder, of Bassindane, for Sir James Hume of Coldounknowis, and Johnne and James, his sons, that they shall repone Alexander, Lord Hume, in "quhatsumevir landis, rowmes, offices, and possessionis" it shall be declared by the Privy Council he should be restored to by them.

Holyroodhouse, 25th October.[1] George Alexander, burgess of Edinburgh, against Walter Cant, younger.

Complaint [very much injured] of George Alexander, burgess of Edinburgh.—He had instituted an action before the provost and bailies of Edinburgh, as the competent and only ordinary judges, against Walter Cant, younger, inhabitant of the said burgh, "for randering to him compt,
Page 627. rekning, and payment, be ressoun of contract of societie past" [claim one

[1] On the preceding day, October 24, the Parliament, which had been called for that day (*ante*, p. 397), duly met in Edinburgh, the King present in person, with fifteen bishops and abbots, twenty-five nobles, and sixteen commissioners of burghs. The Duke of Lennox took the precedence of all the nobility, and bore the crown; and there was some display of dissatisfaction on this account by the Earl of Arran, with talk to the effect that the place of second person in the kingdom, and nearest to the King by descent, belonged properly to him (see Calderwood, iii. 592). Contemporaneously with this Parliament there sat a General Assembly of the Kirk, reckoned the 43rd since the Reformation. It had met on the 17th of October, and extended over twenty sessions. The most important piece of business before it was the case of Mr Robert Montgomery and his appointment by the King to the bishopric of Glasgow. The Assembly were disposed to be very severe with Montgomery for his acceptance of the bishopric and the manner of it (*ante*, p. 419, footnote), and the case was complicated by charges against him for errors in doctrine, negligence in office, and unseemly behaviour. Hence negotiations, with a kind of trial of strength, between the Assembly and the Court on the subject of Mr Montgomery in particular, and also on the general question of Bishoprics. On the general question, the Assembly, being pressed for a formal opinion by the King, agreed that "for voting in Parliament, assisting in Counsell, commissioners from the General Assemblie sould supplee the place of bishops, and, as to the exercing of civill and criminall jurisdictioun, the head bailliffes sould exerce the samine." On the particular question, the Assembly contented themselves with remitting the trial of Mr Montgomery to the Presbytery of Stirling, with instructions to report to the next Synod of Lothian, and with powers to that Synod to act as might be necessary, but ordained Mr

arising from breach of partnership, but remains of the wording too scanty to show its exact nature]. Some progress had been made in the action, when the said Walter, "to elyde the said Georgeis persute," had, by "sinister informatioun," obtained letters from the King and Council ordering the said provost and bailies to remit the matter to the decision of the colonels and captains of the Scotch companies in Flanders,—the pretext being that the said George had "departit furth of the cuntre" without passport, and in circumstances justifying his personal punishment. It is of this shifting of the jurisdiction that the said George complains, partly because he had not been called at the time of the remit, partly because of the nature of their difference, which was "upoun ane speciall contract and oblissing maid betuix the saidis personis upoun thair equall societie, quhilk wes preissit be the said Walter, the maker and forger thairof, upoun the said Georgeis guidwill, obtenand the half part proffite, in sa far as the said George wes the only purchessour of sic monethlie paye at the handes of the Estaittis, and wes allowit be thair commissaris in the said Georgeis name and behalff; quhairof the said Walter ressaveand payment, it belangis nawyse to the decisioun of the coronellis nor capitanis within the partes of Flanders, thair consistand na difficultie in the mater concernand thair jugementis to be had, bot maist properlie cumis in befoir the said ordinar juge, to mak the said George payment conforme to sic oblissing; sen Coronell Balfoure, under quhais service thay wer for the tyme, is deceist, quha culd best have declarit gif ony misterie had bene in the mater." Moreover, "the caus allegit be the said Walter, that the said George wes dischargeit of his office and past away without pasport, and sua merite to have bene puneist in his persoun, is ane verie extraordinar caus to be allegeit be the said Walter to desire the mater to be remittit to the jugeis in Flanders, sen the said Walter hes na entres thairto, berand na maner of charge, nor the said George under his service; lyke as the said Walter wes nevir of hyer estait nor conditioun bot ane symple servand himself. And, quhen the said George salbe accusit for ony maner of offence committit be him in his service, he salbe answerable conforme to the lawes."—Charge having been given to the defendant, Walter Cant, to appear and answer, and the complainer having appeared by William Stewart, younger, his procurator, specially constituted,—"quha fand Towris, brother-german to George Towris of Inner[leith], and Robert Stewart, his brother-german, cautioners, conjunctlie and sever[allie], that the said George Alexander sall hald firme and stable the jugement and persute of the said mater,—and the said Walter Cant comperand personalie," the Lords, after hearing reasons on both sides, "remittis the said caus to the saidis provest and baillies of Edinburgh, commanding thame to proceid in the samin, or ony uther caus to be intentit upoun the said contract be the

Acta 1579–

Page 628.

Montgomery meanwhile to continue in his ministry at Stirling, and "not to meddle with anie other office or functioun in the Kirk,—namelie, in aspiring or attempting to the bishoprick of Glasgow, against the Word of God and Acts of the Kirk"—under pain of excommunication, to be executed upon him by the said Presbytery and four appointed assessors (Calderwood, iii. 578 and 582).

ta 1579–81. said George aganis the said Walter, unto the finall end and decisioun of the samin, according to the lawis of this realme, notwithstanding ony sic discharge ellis purchest or to be purchest be the said Walter in the said mater."

Edinburgh, 25th October. Caution for Robert Hume of Redheugh.

Caution in £500 by Johnne Hume of Blacader for Robert Hume of Reidheuch, that he "sall reposses Alexander, Lord Hume, to the teindis of Lauder and to the teindis of the westir syde of the Wattir of Ledar, as alsua to quhatsumevir landis, rowmes, offices, and possessiones quhilkis salbe found and declarit be the Lordis of Secrete Counsale he suld be repossest unto be the said Robert."

Page 629. October. . . .

[Part of the sederunt destroyed]; [Jo]annes [Patricius?], Dominus Lyndsay; Georgius, Dominus Seytoun; [Joann]es, Dominus Ogilvie; [Joan]nes, Dominus Hereis; Andreas, Dominus Uchiltrie; Magister de Mar; Commendatarius Newbottill; Commendatarius Sanct Colme; Clericus Justiciare; Clericus Registri; Computorum Rotulator; Advocatus.

Anent the Ecclesiastical Policy.

"The quhilk day the Kingis Majestie and Lordis of Secrete Counsale having sene . . . . . manner and ordoure aggreit upoun at Leith betuix . . . . and . . . pointit be his Hienes with avise of Johnne, Erll . . . . the tyme, and divers commissioners lykwyse . . . enerall Assemblie of the Kirk, anent the creating . . . and presentatioun and admissioun of personis to . . vis and thinkis meit that the said ordoure be continewit . . tyme cuming, quhill his Majesties perfyte aige, or quhill the same . . eschit be his Hienes with avise of his Thre Estaittis in Parliament."[1]

Protest of Sir John Murray of Tullibardine, Comptroller, and others, in the matter Lord Ruthven's infeftment in the Earldom of Gowrie.

"The [quhilk day, in] presence of the Kingis Majestie and Lordis of Secrete Counsale, Sir Johnne Murray of Tullybardin, knycht, comptrollar to oure Soverane Lord, for himself and in name of the remanent barones and utheris inhabitantis of the scherefdome of Perth, protestit that the charter and infeftment past be his Hienes, with avise of the saidis Lordis, to William, Lord Ruthven, his Majesties thesaurar, of all and haill the erldome of Gowry, with the teind penny of all wardis, relevis and nonentress within the schirefdome of Perth, sould on na wyse prejudge the said Sir William Murray and utheris foirsaidis in ony thair ancient

[1] This seems to be a re-confirmation by the King and Council of certain of the articles of Kirk Policy agreed upon at the Leith Conference in January 1571–72 between the eight Commissioners appointed in the King's name by John, Earl of Mar, then Regent, and the eight Commissioners appointed by the Convention or General Assembly of the Kirk for that year (see Calderwood's History, iii. 168, *et seq.*; also Reg. Priv. Coun., vol. ii. pp. 106–108). The order seems to have been occasioned by the negotiations then going on between the Court and the General Assembly on the subject of Mr Montgomery (*ante*, p. 425, footnote).

liberties and previlegis, nor astrict thame to the payment of the said teind penny; quhairin he allegit thay wer not in use of befoir."[1] Acta 157

William Henderson, constable-depute, against the Magistrates of Edinburgh.

Complaint of William Henrysoun, constable depute:—"He hes bene depute in the office of constabularie of this realme, constitute be the Lord Constable, principall thairof, be the space of xxvii yeris last bypast, haif-and the samin, with all feis, casualiteis and deweties usit and wont belangand thairto, disponit to him for all the dayes of his lyftyme, as his rycht at lenth beris; be the quhilk he, his servitouris and collectouris in his name, have continewallie be the space foirsaid bene in peciable possessioun, but impediment, of all feis, casualiteis and deweties appertening to the said office, and speciallie to collect and uplift certane small custumes, callit of auld *the Parliament fee* or *archearis wyne*, for all victuallis and merchandice enterend within his Hienes burgh quhair the court of Parliament hes bene haldin for the tyme; lyke as the constables of this realme and thair deputes hes bene in use and possessioun thairof past memor of man, all the tyme fra the Parliament fensing to the publicatioun of the Actis thairof." [At this point, for some space, through decay of the Record, the wording falls into fragments; but it appears that] of late, through some action of the provost and bailies of Edinburgh, the complainer had been deprived of his customary fees.—To answer the complaint there had been summoned Alexander Clerk, provost of Edinburgh, with Henry Charterhouse and [Robert] Ker, two of the bailies; and, all parties having appeared, and their reasons having been considered, together with two Acts of Parliament passed in the time of King James the Second, of worthy memory [Acts of Parl. vol. ii., 1457, c. 10, p. 47, and 1469, c. 9, p. 95], the King and Council, "in respect of the saidis twa Actis, ordanis the said constable depute and his ministeris to desist and ceis fra all [uplifting] of constable feis of ony maner of guidis, great or small, that cumis to the mercat to sell in tyme of the sessioun or generall counsale and Parliament in tyme cuming, ay and quhill the said constables infeftment gevand him and his depute libertie to uptak the saidis constable feis be schawin and producit befoir his Majestie, his Thre Estaites in Parliament or Generall Counsale, and that thair declaratioun be gevin thairupoun as appertenis." Page 630.

Edinburgh, 28th October.

Caution for Marion Guthrie or Borthwick.

Caution in £500 by Mr Johnne Henrysoun of Bengour for Marioun Guthre, relict of Mr David Borthuik of Lochhill, advocate, that she shall repossess Sir Thomas Ker of Pharnyhirst in whatever lands the Privy Council shall declare she ought.

Holyrood-house, 28th October.

[Record much destroyed at the beginning and in other parts of this minute; but it contains] a series of complaints by Thomas Tait of Adamhill, Page 631.

[1] William, Lord Ruthven, Lord Treasurer, had been created Earl of Gowrie only a few days before, viz., October 20, 1581, and had just taken his seat in Parliament with that title. The new Earl of Morton, formerly Lord Maxwell, had also taken his seat as Earl (see Acts of Parl. iii. 195, and 267).

a 1579-81. for himself and his family, against Johnne Wallace of Craigie and others. Thomas Tait of Adamhill against John Wallace of Craigie and others.
In consequence of a previous complaint by Tait in September Wallace had found Johnne Sterling in Bordland his surety for keeping the peace; notwithstanding which he and his had continued their outrages. Thus, at a certain date mentioned [but gone from the Record], John Wallace's brother, William Wallace, had, with armed accomplices, incited by the said John Wallace, come to the said Thomas's place of Knokindaill, where, being "disapoyntit of himselff," they "brak up divers durris in his said . , and woundit Jonet Tait, his dochter, to the effusioun of hir [blude in gret] quantitie." Farther, "in the moneth of Julii nixt thairefter, the yeir of God j^{m}v^{c}lxxvii yeris, the said Johnne Wallace of Cragye, be himself, his foirsaidis complices, and utheris of his causing and command, as said is, come to the said Thomas landis of Adamehill; quhair thay intromettit with and awaytuke all his tennentis guidis and withheld and kepit the same the space of twa dayes and twa nychtis, and straik and hungerit the guidis in that tyme sa that thay wer . . agane; and thairefter, upoun the threttene day of the said moneth of Julii, boistit his tennentis to ressave thair awin guidis, hurt and hungerit as said is, and then deliverit agane to Patrik Gothra, his tennent, ane gray hors, to Robert Reid ane blak hors, to George Mortoun ane blak meir, with sevin heidis of uther guidis, viz., ane garit ox, twa blak ky and foure young guidis; and then boistit and compellit his saidis tennentis to renunce thair actioun of spuilyie and oppressioun in presence of ane notar and witnessis. Mairower, in the moneth of October the yeir of God j^{m}v^{c}lxxviii yeris or thairby, James Wallace and Johnne Chalmer, speciall servandis to the said Johnne Wallace of Cragy, and of his causing and command, as said is, come to the said Thomas landis of Knokindaill with thair complices to the nowmer of ten personis, and at twa sindre tymes tuke owt of his saidis landis at ane tyme ane gray hors and at ane uther tyme ane blak kow, being his awin proper guidis, and nevir restorit the samin agane. Siclike, in the moneth of August, the yeir of God j^{m}v^{c}lxxix yeris, Johnne Turbat, servand to the said Johnne Wallace of Cragy, of his speciall causing and command, as said is, with convocation of the lieges to the nowmer of sextene personis, bodin in feir of weir, with gunnis, pistolettis and utheris wappinnis invasive, come to the saidis landis of Adamehill, quhair thay socht the said Thomas for his lyff; and, being dissapointit of himself, thay dang up his durris, straik his barnis and servandis, and
Page 632. chaissit Charles Tait, his sone, and schott twenty schot of gunnis." [The destruction of the Record again breaks the narrative, but from the remnants of the wording it appears that Wallace did succeed in laying violent hands at last on Tait himself. A portion of the Record as it stands will suggest the manner.] " . . . out of his bed, and thairefter straik him . . sioun of his blude; and, knawand that . . nycht fra his landis of Adamehill, . . . and come upoun him or he wist, quhair . . . altogetheir to the erd, and gaif him . . wappinnis, and hes hurt him sa in his . . . able to travell

bot with great pane . . . pinnis to his breist quhill thay gart him sweir that . . . richt to his awin landis of Adamehill." Acta 1579

Nor was this the end; for Wallace had threatened Tait that, "gif he wer found thair, he suld ding out all his . . betuixt his heid and his hals, and, gif he cum to plent to our Soverane Lord and his Counsale, he suld mak Jame Glen of him; quhilk is to slay himself and to distroy his house."—Charge had been given "to the saidis Johnne Wallace of Cragye, William Wallace . , his brother, William Wallace, callit Mekle William of Paislay, . Wallace, Michaell Tod, Michaell Wallace, brother to the said Johnne Wallace of Cragie, Adame Fynlay, and William Stewart, his servandis," to appear personally before the King and Council on a certain day bypast, "to have answerit to this complaint, and to have hard and sene sic order tane thairwith as thay mycht be puneist for the wrangis forsaidis, and the said Thomas amendit and satisfeit at his Hienes modificatioun, and to have found cautioun under great panis not to trouble, molest nor inquiet him, his wyff, barnis, nor servandis, in tyme cuming, utherwyse nor be order of law and justice, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame . . .

[This volume of the Register ends here, leaving the minute incomplete; and there is a gap in the Register of a whole month from this point.]

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g. Sec. Con. ta 1581–85. l. 1, a.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Joannes, Comes de Montrois; Willielmus, Comes de Gowry; Joannes, Dominus Hereis; Joannes, Dominus Ogilvie; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Clericus Registri; Advocatus; Computorum Rotulator. Holyrood-house, 2nd December.[1]

"The quhilk day, in presence of the Kingis Majestie and Lordis of Secreit Counsale, his Hienes richt traist cousing and counsaloure, Esme, Duke of Lennox, Erll Dernley, Lord Torboltoun, Dalkeith, and Aubigne, exponit [and] declarit that, upoun ane intiere lufe and naturall affectioun borne be him to his Majestie, groundit upoun the [ho]noure he had to be sa neir of his Hienes blude, he wes movit to withdraw himself furth of the partis of France in this his Majesties realme, to do his Hienes service, and, efter his Declaration by the Duke of Lennox of his sincerity in the Protestant religion.

[1] In the interval between the last entry and this certain things had happened, a note of which is necessary for the understanding of what is to follow. (1.) *Continuation of the Parliament*:—The Parliament which had met on the 24th of October 1581 (*ante*, p. 425, footnote) had sat on three subsequent days,—viz., Oct. 25, 26, and 30,—but had only transacted some formal business, including the election of the Lords of the Articles, when it was adjourned. It reassembled on the 28th of November; on which day, and on the 29th, all the real business of this Parliament was done. The doom of forfaulture was pronounced against these eleven fugitives together:—Mr Archibald Douglas, late parson of Glasgow and senator of the College of Justice; Archibald, Earl of Angus; John Carmichael, younger of that Ilk; Hew Carmichael, his son and heir apparent; Malcolm Douglas of Mains; James Douglas, late Prior of Pluscarden, and Archibald Douglas, late of Pittendreich, natural sons of the late Earl of Morton; Archibald Douglas, formerly Constable of Edinburgh Castle; Hector Douglas, called Red Eckie; George Douglas of Parkhead; and James Douglas, his son and heir. The forfaulture against the first was on the ground that he had been art and part with the late Regent Morton in the murder of Darnley; the treasons alleged against the others were acts of conspiracy and contumacy in the interest of Morton after his arrest. Among the legislative Acts of the Parliament were several relating to religion, the Kirk, and public morals, in a more Protestant and popular strain than had been expected; also an Act "anent the cunyie"; also one on the subject of the feud between the Gordons and the Forbeses (*ante*, p. 279); also one in favour of the burgh of Aberdeen, in respect of its ancient rights of fishing, &c. (*ante*, p. 294). There were also ratifications of the arrangements that had been made for assigning the Lennox earldom and property to the present Duke of Lennox, and also of the creations of the new earldoms of Arran, Morton, and Gowrie. (2.) *Rivalry between Lennox and Arran*:—The difference between Arran and Lennox, which had shown itself as early as June 1581 in the case of the Laird of Fernihirst (*ante*, p. 395), had become a positive rivalry after the elevation of Lennox to the Dukedom in August. "A great heart-burning grew amongst them," says Spotswood, "which, in the Parliament kept at Edinburgh in the moneth of October following, burst forth in an open breach. The question was about some priviledges belonging to the Chamberlain in time of Parliament, which Arran would not acknowledge, taking upon him, as Captain of the Guard, to place near unto the King whom he pleased" (Spotswood, p. 315). There are traces of this rivalry, and of a division among the nobles in consequence, in the proceedings of the Parliament in November (see Acts of Parl. iii. 237).

arrivall, acquenting himself with the minst[rie] of the Word of God, and Acta 1581-
reparing to preaching, prayer, and uther godlie usis and exercises, at last he wes m[ovit] be the same Word and Spreit of God to joyne himself in the fellowschip of the faithfull be embracing of the religioun publictlie profest within this realme and participatioun of the sacramentis, continewing in that to sett furthward the glorie of God, and to mantene the said trew religioun to his uttir pouer. Notwithstanding, sum seditious and unquiet spreittis, seking occasion to interteny trouble and unquietnes, hes spred brutis and reportis that the foirsaid professioun is ypocritall, that he persuadis the subversioun and alteratioun of the said religioun sa far as he may, that he is ane interteaner of papeistis, and, last, that he suld tak the mantenance of sic as ar giltie of the murtheris of our Soverane Lordis dearest father and twa regentis. Quhairunto becaus the symple people may be movit suddanlie to gif credite, his said richt traist cousing, for the satisfactioun of all gude men, hes thocht gude to gif demonstratioun to the haill warld of his trew mynd [and] intentioun, craving God to beir record that, as he outwardlie hes gevin professioun of the said trew religioun, sa inwardlie in thocht and mynd he allowis and approvis the samin, promitting nevir to cum in the contrar thairof; as indeid, sen the tyme of his professioun of the said religioun, he nawyse tuke the intertenyment of ony papeistes or utheris declarit inemeis thairto, nor yit at ony tyme did he urge nather . . to urge his Majestie nor nane utheris directlie nor indirectlie to do anything tending to the prejudice of the samin. And, as for the mantenance of personis gilty of the saidis murtheris, it wald be considerit how far the samin repugnis to nature, seing the personis murtherit wer sa tender unto his said cousing, and this impunitie of the murtherars careing with it sic danger to the persoun of his Majestie, that be ressoun thairof he culd be weill content to persew thame with all extremitie to his utter power, preferring th . ane and suretie of his Hienes persoun to his awin life; on quhais gude succes his speciall joy consistis, and without quhom he culd nevir think himself in gude estate, bot confortles all the dayis of his life; and sa nather hes taken nor myndis to tak the matenance of ony sic gilty personis. And, to the effect that nane pretend ignorance of the same, his Majestie, with avise of the saidis Lordis, upoun the humble suit and desyre of his said cousing, ordanis lettirs to be direct chargeing officiaris of armes to pas and mak publicatioun and intimatioun of the premissis to all and sindre his Hienes liegis be oppin proclamatioun at the mercat croces of the principall burrowis of this realme and utheris places neidfull, and to certifie all and sindre the saidis lieges that his said richt traist cousing offerris himself to underly the tryall and puneisment appointit be the lawis of this realme, in cais it salbe found utherwise nor he hes declarit in maner abonementionat; upoun the certantie quhairof he cravis all personis to depend, and on nawyse to report of him heirefter utherwyse nor the trewth; certefeing thame, and they do in the contrair, that they salbe repute, haldin and estemit as seditious personis, movaris of insurrection, and troublers of the

Acta 1581–85. quietnes of the realme, and to be persewit and puneist thairfore with all rigour and extremitie, in exemple of utheris."[1]

Complaint of John Deuchar, cordiner in Aberdeen, against the Provost and Bailies of that burgh.

Complaint of Johnne Deuchar, cordinar in Abirdene:—In consequence of his former "lamentable supplicatioun," declaring how the provost and bailies of Abirdene had discharged him from the "using of his vocatioun" within the said burgh, nothwithstanding that he is a freeman thereof, the King had directed his missive letter, requiring them to allow him to exercise his craft without trouble or impediment. Nevertheless, they allege
Fol. 1, b. that they cannot obey the same; and, "actiones and controverseis depending betuix him and thame befoir the Lordis of Sessioun resting yit undiscussit," they still refuse and postpone. Charge having been given to Gilbert Meynzeis, provost, and Robert Meynzeis, Alexander Rutherfurd, Alexander Cullane, and Alexander Chalmer, younger, bailies of the said burgh, to obey the former order, under pain of rebellion and horning, or else to appear and show cause to the contrary, and parties having been called, "and the said Johnne Deuchar comperand personalie, and the saidis provest and baillies comperand be the said Alexander Cullane, baillie and burges of Abirdene, thair procuratoure," the allegation by the latter for the defendants is that "the said Johnne, for his continewing in the filthye vice of adulterie, without amendment or repentance, he being divers tymes admoneist thairto be the assemblie and counsale of the kirk of Abirdene, wes, in the moneth of Maii the yeir of God j^{m}v^{c}lxviii yeris, denuncit, excommunicat, and cutt of fra the societie of the faithfull thairefter," and further that "the said Johnne, for missaying, detracting, and sclandering of the baillies of Abirdene for the tyme in the sessioun of the same, wes, be a decrete gevin be the provest and baillies thairof in the moneth of Februar the yeir of God j^{m}v^{c}lxxvii yeris, dischargeit of his fredome and previlege of the said burgh in all tymes thairefter." For verification, both the said decrees were produced; "quhilkis, with divers the ressonis and allegationes of baith the saidis parteis being hard, sene and considerit," the Lords, "in respect of the saidis decretis standing unreducit," remit the matter to be pursued and decided before the judges competent.

Edinburgh, 6th December. Caution for Lovell of Balumby, his son, and servants.

Caution by Andro Merser of Awdye, and Johnne Betoun, fiar of Petlochy, for Johnne Lovell of Ballumby, in £500; for William Lovell, his son and apparent heir, in 500 merks; for William Lovell in Murehouse, Alexander Buchannan in Dundie, Alexander Lovell, burgess there, and Henry Lovell

[1] The motive to this Declaration by the Duke of Lennox at this particular moment was furnished by his quarrel with Arran. In that quarrel, as the Duke had the advantage of the King's favour, "Arran strengthened himself with the common cause," says Spotswood, "giving out that the quarrel was for religion, and for opposing the Duke's courses, who craftily wrought the overthrow thereof." Spotswood adds that about this time Arran and his Lady surprised the Edinburgh people by the devoutness of their attendance at "sermon and prayers" (Spotswood, p. 315). The Duke, therefore, wanted to put himself right with the public.

in Balmossie, in £200 each; for Alexander Done, Johnne Rany, Henry Broun, and Petir Walker, in £100 each; and for Stevin Burnefeild and James Duncan, in 100 merks each;—that William Fothringhame in Craigie, brother of Thomas Fothringhame of Powry, and his friends and servants, shall be harmless of them. Acta 1581-8

Edinburgh, 9th December. John Stewart of Appin denounced.

Order to denounce Johnne Stewart of the Appin, and to put him to the horn and to escheat, for having disobeyed the charge given him to enter and present Duncan Stewart and Donald M°Ewin Dowy, "induellaris upoun his landis of Durroure." before the King and Council. [There follow two blank pages in the Register, breaking the connection].

Suit of Robert Boyd of Badinheath against William Cuninghame.

Application of Robert Boyd of Badinhaith for the suspension of letters of horning obtained against him by William Cunynghame. [The beginning is wanting; but it appears that] a certain deceased Ninian . , and the complainer, as cautioner for him, had come under obligation, in the books of the commissary of Glasgow, to pay to the said Cunynhame "foure scoir ten pundis money yeirlie and ilk yeir during his lyfe," and that the letters of horning had been raised to enforce this obligation. It is now pleaded for the complainer that the payment was to be made only "in cais the said umquhile Ninian obtenit new gift and richt of the said Williames pensioun, grantit to him be oure Soverane Lordis dearest mother, be his dimissioun and translatioun thairof; utherwyse the said William dischargeit the said obligatioun." Now, "it is of veritie that the said umquhile Ninian nevir obtenit richt nor gift of the said pensioun, nor acquirit na commoditie thairof during his lyftyme." This plea, had the complainer been summoned before the granting of the letters, would have stayed them, "and thairfore is now sufficient to stop the executioun thairof; and, for the gretar habundance, he hes found cautioun actit in the buikis of Secrete Counsale for payment to the said William of the foirsaidis sowmes, gif the said compliner salbe foundin justlie addettit thairin, and the saidis lettirs orderlie procedit aganis him thairfore."—The defendant having been charged to appear, "bringand with him the foirsaidis letters, to have bene sene and considerit," and "the said Robert Boyd of Badinhaith comperand be Neill Montgomery, his procuratour, and the said William Cunynghame being lauchfullie summondit, oftymes callit, and not comperand," the Lords do suspend the letters and process of horning, "ay and quhill the samin letters be producit befoir the saidis Lordis, and that the said Robert be warnit to the productioun thairof, as efferis." Fol. 2, a.

Caution for Johnston of that Ilk.

Caution in £10,000 by Johnne Carmychaell of Medoflatt and Creichtoun, tutor of Sanquhair, for Johnne Johnnstoun of that Ilk, that he and his men shall behave themselves loyally, that he shall not in any way assist or intercommune with Archebald, sometime Earl of Angus,

Acta 1581-85. or his accomplices, and that he shall appear before the Council when warned.

Warrant for repayment to Mr Thomas Craig, advocate, of money he had lent to the King.

"The quhilk day, oure Soverane Lord and Lordis of his Hienes Secrete Counsale understanding that his weilbelovit Maister Thomas Craig advocat, at his Majesties desire, lent and advancit, in his Majesties service in the moneth of Junii last bypast, the sowme of sex hundreth merkis, for payment quhairof he wes assignit to Alexander Clerk of Balbirny, provest of Edinburgh, and his pertiners, quhilkis had the lait sett of the cunyie [*ante*, p. 393]; quhilk sett, with all assignationes maid of the proffite of the said cunyie to quhatsumevir persoun or personis, being now dischargeit be Act of Parliament [1581, c. 10, iii. 215], the said Alexander and his saidis pertiners ar not obleist to the payment thairof; and thairfore oure said Soverane Lord, not willing that the said Maister Thomas salbe langer delayit in the payment of the said sowme awand to him, bot being rather of mynd that he be thankfullie payit thairof, with avise of the saidis Lordis of his Secrete Counsale, ordanis the maister of his Hienes cunyie, present and being for the tyme, to ressave fra the said Maister Thomas, his assignais and factouris in his name, alsmekle gold and silver as he sall bring or caus be brocht to his Hienes cunyiehous, and redeliver the same cunyeit to the said Maister Thomas in prentit money, stok and proffite, ay and quhill the fre proffite thairof, according to our said Soverane Lordis price of bying and outgeving, extend to the said sowme of sex hundreth merks, and that the samin be redeliverit to the said Maister Thomas, his factouris and assignais, efter the rait and quantitie of the dett awand to him as said is; quhilk salbe thankfullie allowit to oure said maister cunyeoure in his comptis, kepand this present for his warrand."

Similar warrant for Mr Sharp.

Fol. 2, b A similar warrant for the repayment, in the same way, to Mr Johnne Scharp, advocate, of 1000 merks lent by him in June last for the King's service [see *ante*, p. 393].

Holyrood-house, 18th December.[1]

Act in favour of Mark Ker, Master of Requests.

Order that, "notwithstanding the suspensioun or supercedere grantit of executioun of lettirs raisit at the instance of quhatsumevir personis aganis Adame, Commendater of Cambuskynneth, collectoure-generall of the superplus of thridis of benefices within this realme, for payment of quhatsumevir sowmes of money or victuall out of ony part of the said abbacy,

[1] The quarrel between the Duke and Arran had now reached its climax, and had taken the form of a schism between two parties in the Council. On this very day, December 18, 1581, according to Calderwood, the King, to show his determination to support the Duke in the quarrel, removed from Edinburgh to Dalkeith, whither the Duke had preceded him by four or five days to make preparations. Hence from this date for about two months there were actually two rival Councils meeting simultaneously, one in Holyrood House, the other at Dalkeith. "Arran, Argile, the Secretar [Commendator of Dunfermline], the Treasurer [Gowrie], the Comptroller [Murray of Tullibardin], and sindrie others, held Counsell in the Abbey: the Duke, the Lord Maxwell [*i.e.*, the Earl of Morton], the Lord Seton, and sindrie others, held Counsell in the Castell of Dalkeith, where the King was for the time, and disannulled whatsoever the other

quhill the hering of his comptis," yet "the samin sall not extend for suspensioun or supercedere of the executioun of ony decrete or lettirs purchest or to be purchest be Maister Mark Ker, Maister of his Majesties Requeistis, for payment of his ordinar fie of this instant crop lxxxi yeris." Acta 1581–

Sederunt—Ut in die predicto.

Holyrood-house, 19th December.

Order to denounce John Pollock of Over Pollock.

Complaint of Sir Johnne Maxwell of Nethir Pollok, knight, for himself and for Johnne Maxwell of Auldhous, and Johnne Clerk of Pollokschawis, as follows:—After "divers controversies, cummers and debaittis" between him and "his kin, freinds, allya, assisters and partakers," on the one part, and Johnne Pollok of that Ilk, and "his kin, freindis, allya, assisters and partakers," on the other part, "thair wes ane assurance tane betuix thame, be the quhilk the said Johnne Pollok of that Ilk, for himself, and takand the burding upoun him for his kyn, freindis and partakers, assurit the said compliner and his foirsaidis to be harmeles and skaithles of him and his foirsaidis and all that he mycht lett, unto the ellevint day of November last bypast, under the pane of perjurie and defamatioun for evir, as the said assurance, subscrivit with his hand of the dait the aucht day of Aprile last bypast, at mair lenth proportis." But, notwithstanding this assurance, "the said Johnne Pollok, upoun the aucht day of September last bypast, the said Johnne Maxwell being than instantlie in oure Soverane Lordis service, the tyme of his Hienes progres to the citie of Glasgow, come and sett upoun the said Johnne Maxwell of Auldhous, and Johnne Clerk, tennentis and servandis to the said Sir Johnne, being cumand fra Glasgow to thair awin houssis, chaissit and followit thame on horsbak to have slayne thame with swordis, and dischargit pistolettis at thame, expres contrar the tennour of the said assurance and the Actis of Parliament."—Charge having been given to the defender to appear and answer, under pain of rebellion, and "the said Sir Johnne Maxwell of Nethir Pollok comperand personalie for himself, and in name of the saidis Johnne Maxwell and Johnne Clerk, and the said Johnne Pollok of that Ilk being lauchfullie summondit, oftymes callit, and not comperand," the order is that letters issue to denounce him rebel and put him to the horn, and to escheat and inbring all his movable goods to the King's use.

Complaint of John Lovell of Balumby.

"Anent oure Soverane Lordis lettirs raisit at the instance of Johnne Lovell of Balumby, makand mentioun that, quhair, he being chargeit to remane in the burgh of Edinburgh quhill he wer relevit be his Hienes, he hes, according to the command thairof, obeyit and kepit the said burgh, unde-

Counsellers had concluded. The crafts of Edinburgh watched in the Abbey, at Arran's desire" (Calderwood, iii. 593, 594: see also Appendix, viii. 212). There were orders from the King, Spotswood adds (315), forbidding Arran to approach him; and "for a while matters went so hot as it was not expected the discord should be suddenly appeased." On the whole, people were glad to see this rupture among the courtiers. It is of interest to us here as explaining the raggedness of the Council Minutes about this time. Such minutes as were kept seem to have been only those of the Council that met in Holyrood House.

Acta 1581–85. parting as yit thairfra, nevirtheles, Patrik, Maister of Gray, Robert Gray, his father brother, Robert Gray, his servitoure (quha ar baith reb[els] and at the horne for the odious cryme of slauchter committit be thame), Andro Gray, Robert . . Gray, father brother to the said Master, Thomas Andersoun in Crannisley, William Fothringhame . . . Quhite in Balgillo, and Andrew Ogilvie, brother to the Lard of Inchemertene, with mony utheris . . , for the maist part all rebellis and at the horne, to the nowmer of twa hundreth personis * * * [Nothing more recorded of the matter, and another apparent blank of about a month in the Register from this point].[1]

Fol. 3, a. Complaint of Johnne Andersoun, burgess of Perth, as follows:—"Quhair James Ros, callit Caude James, with his complices, viz., Edmond Pitscottie of Loncardie, William Ros, sone to Johnne Ros of Gawie, Donald Thomsoun, servand to Colene Campbell of Glenlyoun, Johnne Thomsoun, servand to George Stewart of Arntullie, Johnne Scott in the Forrest of Clune, Robert Reid and Macolme Reid, sonnes to Johnne Reid besyde Tullemoit, Andro Merschell, baxter, and Johnne Merschell, messinger, upoun Fryday, the fyft day of Januar instant, tuke the said compliner perforce furth of the Blakfreir Kirkyard of the said burgh of Perth (he being seducit be the said Edmond Pitscottie to cum furth of his awin house to speik with him, under cullour that thay micht the mair easelie have him away), he being our Soverane Lordis fre liege, and as yit detenis and withhaldis him and will not let him to libertie."—Charge having been given to all the defenders above named, except the last, and also to Colene Eviott of Balhoussy and Robert Carmylie, to set the complainer free within three hours after being charged, under pain of rebellion, or else to have produced him before the King and Council to have the matter decided, and "the said Johnne Andersoun comperand be James Andersoun, burges in Perth, his procuratour, and the foirsaidis personis complenit upoun being oftymes callit and not comperand," the Lords order letters to issue, again charging them to set the complainer free within three hours, "and, gif thay failyie thairin, the saidis thre houres being bypast, to denunce thame rebellis and put thame to the horne, and to eschete, etc." [Date wanting]. Complaint of John Andersoun, burgess of Perth.

Caution, by Johnne Lyndsay of Covingtoun and Thomas Baillie of Raviniscraig, for William Baillie of Lamyngtoun, in 500 merks, and for Thomas Baillie, his servant, Adame Baillie in the Eistertoun, Richard Baillie, his son, Thomas, Andro, and Arthoure Baillies, Johnne Baillie in Quhitehill, and Ritchard Baillie, his brother, in £100 each, that they shall appear before the Council on 6th February following, "to answer to a complaint maid upoun thame be Macolme Inglis, younger, of Hangitschaw, tuitching the pasturing of certane nolt and hors upoun his cornis and eitting and destroying of certane great quantitie of the samin." Edinburgh, 22nd January. Caution for Baillie of Lamington and others.

[1] For probable cause see *ante*, p. 436, footnote.

Edinburgh, 23rd January. Caution for the Lady Wester Weems.

Caution by David Wemys of the Drone for Marioun Towris, lady of Wester Wemes, that she shall pay her part of the taxation to be uplifted "for beating and reparing of the burgh [brig ?] of Perth." Acta 1581–85

Holyrood-house, 1st February.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Jacobus, Comes Arranie; Willielmus, Comes Gowrie; Jacobus, Dominus de Downe;[1] Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Adamus, Commendatarius de Cambuskynneth; Alexander, Commendatarius de Culros; Clericus Registri; Computorum Rotulator; Advocatus. Fol. 3, b.

Demission by the Earl of Arran of his office of Captain of the Guard.

"The quhilk day, in presence of the Lordis of Secrete Counsale, comperit personalie James, Erll of Arran, Lord Hammyltoun, and, according to the Kingis Majesties lettir direct to him, writtin and subscrivit with his Hienes awin hand, and red in presence of the saidis Lordis, dimittit and gaif ower his office and charge quhilk he bure as capitane and commander of the personis appointit for the gaird of his Majesties maist noble persoun; upoun the quhilk dimissioun and satisfactioun thairthrow of his Hienes desire the said Erll askit act and instrument.

Exoneration of the Earl for his doings in the said office.

The Kingis Majestie and Lordis of Secrete Counsale considering the lang, gude, trew and faithfull service done to his Majestie be his richt traist cousing and counsalour, James Stewart, Erll of Arran, Lord Hammyltoun, alsweil in the mantenance and defence of his Hienes lyff and authoritie aganis sic as socht to bereif him of the samin in the tyme of his infancy, as in attending upoun his Majesties selff sen his Hienes acceptit the governament of this realme upon his awin persoun,—his Majestie finding his said cousingis service, besydis his gude counsale in all his effaires, sa acceptable, and his gude mynd sa bent to continew in his Hienes service, that (partlie in respect thairof, and partlie in consideratioun of his gude spreit, wisdome and knawlege, besydes the ernist cair he hes to see his Hienes maist noble persoun in full suretie) his Majestie thairfore wes movit to burdyn him with the charge and commandiment of certane personis nominat and appoyntit for the gaird of his Hienes persoun; quhilkis having diligentlie, trewlie and honestlie attendit upoun his Hienes, and his Majestie now thinking meit that thay salbe presentlie dissolvit and dischargit, off the quhilk charge alsua his said cousing craving to be exonerit with his Majesties declaratour to be gevin upoun his formar behaviour toward his Hienes:—His Majestie, thairfore, with avise of the saidis Lordis, efter consideratioun had of his said cousingis bypast service, findis and declaris that he, alsweill befoir as sen the acceptatioun of the foirsaid charge, in all effaires and caussis concerning his Majestie, hes dewlie, trewlie, honestlie, uprichtlie and diligentlie usit himself and at na tyme hes done, attemptit, nor procurit to be done or attemptit, directlie nor indirectlie, be practize or utherwyse, ony thing hurtfull or prejudiciall

[1] This new Councillor, hitherto Sir James Stewart of Doune, had been recognised as Lord Doune by Act of the late Parliament, November 29, 1581 (see Acts, iii. 234, 235).

Acta 1581-85. to his Hienes persoun, his estate or authoritie, at ony tyme bygane; declaring alsua that he hes intertenyit sen his acceptatioun of the foirsaid charge the full nowmer of personis appointit for the gaird of his Majesties persoun; to quhom alsua he hes maid distributioun of sic sowmes as he ressavit for thair paye, without abstracting ony part thairof fra thame; quhilkis personis lykwyse hes behavit thameselffis trewlie and uprichtlie, without spott, reproche or offence: And speciallie that his said cousing and they have bene cairfull and gevin diligent attendence upoun his Hienes, for the suretie of his Majesties maist noble persoun, at all tymes sen thay wer acceptit in charge to the dait of thir presentis: And exoneris and dischargeis him and thame thairof for evir, decerning and ordaning that he nor thay sall not be callit, accusit, nor persewit thairfore, be ony maner of way, in tyme cuming; exonerand and dischargeand thame of all pane and danger quhilkis thay may incur thairthrow for evir; discharging his Hienes justice, justice-clerk, thesaurer, advocattis, and all utheris jugeis and ministers of lawis, liegis and subditis quhatsumevir, of all calling, accusing, unlawing, troubling, or in onywyse proceding or persewing of his said cousing and personis quhilkis wer under his said charge for the caussis foirsaidis, and of thair offices in that part.

Protest by the Earl that he shall not be held responsible for harm that may arise to the King from his demission of the said office.

The same day the said Erll protestit that, in respect he had gevin diligent attendence upoun his Majesties maist noble persoun during the tyme of his lait charge, and that it wes found and declarit that he had done his dewty in that behalff, quhairupoun he hes obtenit sufficient exoneratioun and discharge,—lyke as the saidis Lordis of Secrete Counsale can alsua beir record that his Majesties persoun is presentlie in gude health and dispositioun, praysit be God,—that thairfore, in cais ony inconvenient happin unto his Hienes persoun heirefter, as God forbid, during the tyme of the said Erlis absence from his Majestie, that he mycht be comptit blameles and exonerit thairof, and na cryme nor offence to be impute to him thairthrow."[1]

Edinburgh, 2nd February.

"The quhilk day David Balfoure of Bandone and James Seytoun of Lang-

[1] The minutes of Council of this day, February 1, 1581–82, indicate the ending of the rupture between Arran and the Duke of Lennox, and of the schism between their parties. Spotswood's account of the matter is that Arran, fearing that he would lose the King's favour altogether, "employed some friends to make offer of satisfaction to the Duke, and in the end things were so composed as Arran did quit the commandment of the Guard, and the charge thereof was given to the Duke" (Spotswood, p. 315). Calderwood says, "Arran sueth for reconciliation with the Duke, which at last, after two moneths variance, was effectuat by the King. In the time of the discord he flattered the ministers to procure their friendship; and, fearing the Duke would bring home the Hamiltons at Seton's instigation, he threatened to bring home the Dowglasses, and wrote twise to Angus. But, after their reconciliation, loath was he to displease the Duke for anie man's pleasure" (Calderwood, iii. 594). Arran's present demission of his office of Captain of the Guard, in sequel of his reconciliation, was in consequence of a letter in the King's own hand sent to him from Dalkeith several days before; and Calderwood adds that the reconciliation was very unpleasant to good men (Calderwood, in Appendix, viii. 213). Three weeks before, viz., on January 8, 1581–82, the Countess of Arran had given birth to a son; and the scandal of her divorce from the Earl of March and her hasty marriage to Arran six months before had been renewed by that event.

Caution for John Seton, younger, of Balbirnie.

flatt become actit . . conjunctlie and severalie as cautioners and Acta 1581–8
souirties for Johnne Seytoun, sone to umquhile . . tyme of Balbirny, that the said Johnne, be himself nor nane that he may lett, s . . invaid, molest, trouble, persew, nor mak impediment . . Clerk of Balbirny * * * [The connection broken here through omission in the Register.]

[3d February.] Registration of a decision by arbitration in a dispute about house property in Edinburgh.

[Beginning of this entry wanting; but from what remains it appears that Fol. 4, a.
it is] the registration of a decision of six persons and an overman appointed to arbitrate in a dispute respecting the sum of money to be refunded by Patrik [surname missing], who had been forfaulted, but had afterwards been admitted to the benefit of the Pacification, to Janet [surname missing] and her son "Maister James," in respect of the expenses laid out by "umquhile Maister James" [apparently the late husband of Janet] upon "the tenementis of land and houssis lyand within the burgh of Edinburgh, upoun the north syde of the Kingis Streit thairof, acclemmyt to pertene to the said Patrik in heritage, disponit be oure Soverane Lord to the said umquhile Maister James, in respect of the said Patrikis forfaltour." By a private "compromit" between the parties, of the date Novemher 23, 1581, the matter had been referred absolutely to the decision of the appointed arbiters, or of any three of them with the overman: and the decision come to had been this:—"We, the saidis jugeis and owerman, efter lang ressoning had in the said mater, and being rypelie and at lenth advisit thairin, upoun gude conscience and consideratioun, all in ane voce hes modifeit, and be the tennour heirof modifeis, in respect of the expenssis debursit be the said umquhile Maister James as said is, the sowme of ane thousand and fiftie merkis money of this realm to be payit and deliverit be the said Patrik to the said Jonet and Maister James, hir sone; decerning and ordaning the said Patrik to content and pay to thame the samin; lyke as we decerne and ordane the said Jonet and Mr James, the said sowme being payit, incontinent thairefter to remove fra the saidis houssis and pertinentis, and to mak the samin void and red to the said Patrik, to be usit be him as his proper heritage in tyme cuming at his pleasour, conforme to the said compromit." Further, "becaus the said compromit quhairupoun this present decreit is procedit is ordanit to be registrat in the buikis of Secrete Counsale, sua we ar content and consentis that thir presentis be lykewyse registrat in the buikis of Secrete Counsale, to be decernit to have the strenth of ane decrete of the Lordis thairof, that executoriallis of horning or poinding upoun ane simple charge of sex dayes only at pleasour of party may proceid thairupoun." The decreet, so registered by properly appointed procurators [whose names are wanting], ends formally thus:—"In witnes of the quhilk thing we all, the saidis jugeis and owerman, hes subscrivit thir presentis with oure handis, day, yeir and place foirsaidis. [Date must have been in the missing part of the entry.] "Sic subscribitur: Robert Malvile of Carny, knycht, with my hand; James Adame-

Acta 1581–85. soun; Alexander Udwart; James Ros, with my hand at the pen led be the notar underwritten at my command (*Ita est: Joannes Kene, notarius, de mandato prefati Jacobi requisitus*); Robert Ker, younger, with my hand; Henry Charters, with my hand; Maister Johnne Kene, with my hand."[1]

Complaint of the Countess of Bothwell against certain Border thieves: fifteen persons to be denounced rebels.

Complaint of Dame Margaret Douglas, Countess of Bothwell, as follows:—On the 22nd of September last, "Francy Armstrang, sone to Lancy Armstrang of Quhittauch, Andro Armstrang, his domestik servand, Andro Forster, callit Craikcrop, baneist Englisman, and utheris thair complices, notorius thevis, to the nowmer of twelf personis or thairby, bodin in feir of weir, with jakkis, steilbonettis, speris, swordis and utheris wappinnis invasive," had, "of the speciall causing, hounding, sending, art-partaking, command, assistance, and ratihabitioun of Martene Ellot of Braidlie and the said Lancy Armistrang of Quhittauch," come at night "to ane steding of the said Dame Margret and hir sonnes, callit Eilrig," and there "thiftuuslie staw, reft and awaytuke xxiiii ky and oxin furth of hir byris in Eilrig, and ane naig worth twenty merkis, pertening to hir and hir pure tennentis of the saidis landis as thair awin proper guidis." Again, on or about the 3rd of November last, "Ninian Armstrang, *alias* Tweden, Armstrang, his man, with thair complices, of the speciall causing and command of the saidis Martene Ellot of Braidley and Lancy of Quhittauch, as said is," had come to "ane uther steding of hirs, callit Bellenden," and there "thiftuuslie, under sylence of nicht, staw, reft and awaytuke thre scoir yowis, pertening lykwyse to hir and hir tennentis of the said steding." Further, on a certain day of the same month of November [day illegible], "Rowy Ellott, callit Rowans Hobbe, Jame Ellott, his brother, Ritche Ellott, callit Rowanes Willis Ritche, and Will Ellott, sone to Will Ellott of the Steill, with thair complices, bodin as said is," under the same influence and hounding, had come at night to "ane uther sted of hirs, callit Harrett, and [thair, in li]ke maner, thiftuuslie, staw, reft, and awaytuke twelf kye and oxin pertening to hir and . . ; quhilkis guidis being followit be Waltir Scott . . . Armtage, he raisit a servand of the Lard
Fol. 4, b. of Cesfurde, callit George Ker, quha and he togidder, with hir servand Johnne Dalgleis, haveand a slewthound doig with thame, followit the saidis guidis hett-red to the said Hobbe Ellottis hous; quha, having convenit a great nowmer of his freindis and complices of the cuntre, stoppit thame to rype his said hous, albeit they knew assuredlie that the saidis stollin guidis wer present thairin." Further still, on the 14th of September last, "Clemme Niksoun, callit of the Hye Asches, Johnne Niksoun, his sone, and Dandie Crosar, callit Maddeis Dandie, with thair complices, commoun and notorius thevis," had, under the same instigation, come to "ane uther rowme of hirs, callit Huntlie, in Ettrik Forrest," and there "thiftuuslie staw, reft, and awaytuke sex kye and oxin, pertening lykewyse

[1] Points left doubtful by the imperfection of this entry are cleared up in a subsequent entry, of date 10th March 1584 (see *infra*, under that date).

to hir and hir pure tennentis thairof; of the quhilkis guidis the said Clemme Niksoun sauld ane young ox to ane Millekin, ane merchand that resortis to Jedburgh (quha being taken thairwith, he confest that he coft the same fra the said Clemme) and disponit upoun the rest at thair pleasour." All these outrages were not only in "hie contempt of oure Soverane Lord, his authoritie and lawes," but also "expres contrar the tennour of the assurance taken be his Hienes betuix the surnames of Scott and Ellott, standing yit in effect undissolvit or dischargeit;" and by such "thiftis and herschippis" the accused "hes alredy wrakkit, at the leist will not faill to wrak and herry, her haill landis and servandis in thay partis, and caus the samin be laid waist for fault of plennesing, without our Soverane Lord and Lordis of Secrete Counsale provide remeid."—Charge having been given to the two principals, Martene Ellot of Braidlie and Lancy Armstrang of Quhittauch, and also to all the active culprits named (except Andro Armstrang) and to "Andro Hendersoun, servand to the said Lancy, and Hobbe Ellott in the Park," in addition, to appear and answer, under pain of rebellion, the case had come before the Council on the 18th of January last, when, "the said Dame Margret Douglas comperand be Waltir Scott of Goldelandis, hir procuratoure, and the foirsaidis personis complenit upoun being oftymes callit and not comperand," the Lords had ordered letters "to be direct simpliciter to put thame to the horne." At the same time, however, in consequence of a letter in favour of the defenders from William Ker of Cesfurd, warden of the Middle Marches and keeper of Liddisdaill, the Lords had "ordanit the executioun of the saidis letters of horning to stay quhill the last day of the said moneth of Januar; upoun the quhilk day gif thay comperit personalie and answerit to the said complaint, thay suld be hard, and order suld be taken with thame as appertenit: utherwyse the saidis letters of horning to tak further executioun without langer delay." Notification to that effect had been sent to the Warden, that he might inform the defenders. Accordingly, the case having been again called on the last day of January and the 1st of February, "and the said Martene Ellott comperand personalie for himself allanerlie, and the said Lancy Armstrang of Quhittauch comperand alsua personalie for himself, and als in name of the said Francy and Andro Armstrangis, his sonnes, and Ninian Armstrang, *alias* Tweden, and the remanent personis complenit upoun being oftymes callit and not comperand," the Lords had "decernit and ordanit that the saidis Martene Ellot and Lancy Armstrang suld find cautioun actit in the buikis of adjornall, that thay and the personis for quhom they comperit as said is suld compeir befoir the justice or his deputes in the tolbuith of Edinburgh, and underly the law for the saidis crymes, as thay suld be requirit thairto upoun fyftene dayes warning, under the panis contenit in the Actis of Parliament." [That was two days ago]; and, "to the effect the said ordinance mycht have bene declarit unto thame," they had again been called "upoun this day, viz., the said thrid day of Februar," when it was found that they "comperit not, bot wer departit hame of befoir to thair awin duelling

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ɛta 1581–85. houssis, in hie and manyfest contemptioun of oure Soverane Lord, his authoritie and lawes."—The order now, therefore, is that letters issue, dated the 3rd of February, "to denunce the saidis Martene Ellott and Lancy Armstrang, Francy Armstrang, his sone, Hobbe Ellott, callit Rowans Hobbe, James Ellott, his brother, Ritche Ellott, callit Rowanes Willies Ritche, Will Ellott, sone to Will Ellott of the Steill, Dandie Crosar, *alias* Maddeis Dandie, Ninian Armstrang, *alias* Tweden, Armstrang, his servand, Clemme Niksoun in the Hie Asches, Johnne Niksoun, his sone, Andro Henrysoun, servand to the said Lancy, Hobbe Ellott in the Park, and Andro Forster, *alias* Craikcrop, his Hienes rebellis, and put thame to the horne, and to eschete, etc."

Complaint of George Cockburn.

"Anent oure Soverane Lordis lettirs raisit at the instance of George Cokbur[ne of Lang]toun, makand [mentioun] that quhair Arthoure Montgomerie, William Carfra, and Thomas Thomsoun, [tennentis an]d occupiaris [of the] landis of Eist Borthuik within the schirefdome of Barwik pertening [to Archebald Auchinlek] of [Cumlege], the said Archibald for his interes, alleging that the said Ge[orge upoun the] sevint day of Julii last bypast come to the houssis [of the saidis landis] * * * [Here the entry stops, leaving the nature of the complaint to be gathered from page 418; and there is another short break in the Register.]

Fol. 5, a. [Beginning of this entry also wanting, as well as date; but what remains explains the whole]:—William Baillie of Lamyngtoun, for himself and others, has complained that Macolme Inglis, younger, of Hangitschaw, having first by sinister information obtained letters charging them to appear before the King and Council "upoun the threttent day of Januar last bypast," had then, for their alleged non-appearance on that day, obtained other letters of rebellion and horning, which he had put in execution. This was "maist wranguslie" done, "considering it is of verite that, for obedience of the saidis former lettirs and charges thairof, the saidis compliners comperit at the foirsaid peremptoure day, and past to Dalkeith,—quhair, and within the burgh of Edinburgh, thay awaytit upoun the sitting of the Secrete Counsale and remanit upoun thair call be the space of fyve dayes thairefter; and, perceaving na apperance of Counsale nor certantie thairof, thay at last declarit to the Duke of Lennox in Dalkeith that thay wer redy thair to answer according to the tennour of the saidis letters; quha commandit thame to pas hame and he suld warrand thame quhill thay wer of new chargeit, as he can testifie."[1] In addition to this "thay have found souirtie to compeir personalie befoir his Hienes and his Counsale, to answer upoun the said complaint" [*ante*, p. 437]. For these reasons they represent that the said letters of horning against them ought now to be suspended. Charge had been given to Macolme Inglis, as the principal defendant, and

[Date wanting]. Suspension of letters of horning against William Baillie of Lamington and others.

[1] There is an interesting reference here to the schism of the Privy Council in January 1581–82 in consequence of the temporary rupture between Lennox and Arran (see *ante*, p. 435, footnote).

to Master Robert Creichtoun of Eliok, King's advocate, and William, Earl of Gowrie, the treasurer, in their official capacities, to answer to the complaint; "quhilkis being callit, and the saidis William Baillie of Lamyngtoun and the remanent his colligis persewaris abonewrittin [names not in what remains of this entry, but given already under date January 22, *ante*, p. 437] comperand all personalie, and the said Macolme Inglis comperand alsua personalie, and the saidis Mr Robert Creichtoun, advocat, and William, Erll of Gowrie, thesaurar, being lykwise personalie present, the said Macolme Inglis producit the foirsaidis letters of horning." The Lords, after hearing reasons, [1] "remittis the principall caus, twitching the eitting of the said Macolmes cornes and utheris crymes mentionat and contenit in the saidis letters raisit thairupoun, to be persewit befoir the jugeis competent thairto as accordis;" [2] in consideration that Baillie and his colleagues had appeared at the time appointed and denied the said crimes, and in consideration also of caution now given [see next entry but one] that they will not molest Macolme Inglis in future, "suspendis the foirsaidis lettirs, effect thairof, and process of horning contenit thairintill." Acta 1581–8

Suspension of letters of horning against Alison Campbell and Neil Montgomery.

Again in the complaint of "Alesoun Campbell, relict of umquhile William Kirkpatrik, minister at Kilwyning, and Neill Montgomery, now hir spous, for his interes," against Alexander, Commendator of Kilwyning, who, "being chargeit for twa hundreth pundis for his part" of the late general tax of £40,000 [*ante*, p. 360], had caused charge the complainers "for the payment of xx merkis, as for thair part of the said taxt" [see *ante*, p. 409]. Their complaint now is that he has put them to the horn for non-payment, "albeit it is of veritie that upoun the xxix day of October last bipast thay maid compt, rekning, and compleit payment to the said Commendater of thair part of the said taxt, and he hes grantit thame to have compleitlie payit him of all taxationes that he micht ask or crave of thame in ony tymes bygane preceding the day foirsaid, as his discharge thairupoun at mair lenth beris." They represent therefore that the letters of horning against them should be suspended simpliciter.—The usual charge to appear in answer having been given to the Commendator, and "the said Neill Montgomery comperand personalie for himself and his said spous, and the said . . ning being oftymes callit and . . , the Lordis of Secrete . . . letters purchest be ." [Here the minute has been injured; but the imperfect wording at the close indicates that the Commendator did not appear, and that therefore the Lords in the meantime suspended the letters of horning.]

Caution for William Baillie of Lamington.

Caution in £500 merks by Johnne Boiswell of Auchinleck for William Baillie of Lamyngtoun, that Macolme Inglis of Hangitschaw, his wife, bairns, tenants, and servants shall be skaithless of him or his men, in their persons and goods [see entry before last].

Acta 1581-85. Caution to the same effect by Johnne Quhitefurd of that Ilk, in 100 merks each, for Thomas Baillie, servant to William Baillie of Lamyngtoun, Adame Baillie in the Eistertoun, Ritchard Baillie, his son, Thomas, Andro, and Arthoure Baillie, Johnne Baillie in Quhitehill, and Ritchard Baillie, his brother [see *ante*, pp. 437, 443, and p. 444]. The parties subscribe the band with their hands at the pen led by David Moysie, notary. Holyrood-house, 7th February. Caution for certain Baillies.

Counterpart caution in £100 by James Sandelandis of Slamannan for Macolme Inglis, younger, of Hangitschaw, that Johnne Baillie in Quhitehill, his wife, bairns, tenants, and servants, shall be skaithles of him in their persons, lands, and goods. Caution for Malcolm Inglis, younger, of Hangitshaw.

Caution in £200 by Alexander Cokburne of that Ilk for George Cokburne of Langtoun, that he shall answer, when warned, for "the troubling" of Archebald Auchinleck of Cumlege and his tenants of the lands of Eist Borthuik "in the possession of the saidis landis" and for "utheris crymes." [See *ante*, pp. 418, 443.] Caution for George Cockburn of Langton.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Willielmus, Comes de Gowrie; Joannes, Comes de Mortoun; Jacobus, Dominus de Downe; Robertus, Commendatarius de Dumfermling; Adamus, Commendatarius de Cambuskynneth; Alexander, Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Advocatus. Holyrood-house, 8th February.

Complaint by Tryamoure Reidpeth of Crumrig, as follows:—Notwithstanding the caution found by William Reidpeth of Grenelaw and Adam Reidpeth
Fol. 6, a. of Westraw to keep the peace to William Reidpeth of that Ilk and William Reidpeth of Angelraw and their friends, of whom the complainer is one [*ante*, p. 317], "the said William Reidpeth of Grenelaw, accumpanyit with Alexander Reidpeth, James Reidpeth, David Reidpeth, and William Reidpeth, his sonnes, and utheris his servandis and tennentis, thair complices, to the nowmer of twelf personis or thairby, bodin in feir of weir, with Jedburgh stavis, swordis, bowis, hagbuttis, and pistolettis, prohibite to be worne or usit be the Actis of Parliament and Seceret Counsale, and utheris wappinnis invasive, upoun the xxvi day of Julii last bypast lay under cover in ambuschement in the Quhiteslak on the eist syde of Grenelaw; and the saidis William Reidpeth and David Reidpeth, sonnes to the said William Reidpeth of Grenelaw, of his causing, hounding, sending, command, assistance, ressett and ratihabitioun, come fra thair said father and cumpany to the commoun mure of Greenlaw, quhair the saidis compliners servandis wer wynnand and ledand turves, and thair not only invadit, molestit, troublit, persewit and dang James Fogo and James Abirnethie, his servandis, tuke the flachtir spade fra thame and chaissit thame of the said mure, bot als crewellie slew ane blak hors and ane quhite meir pertening to the said compliner, worth xl pundis money of this realme (they being burdynnit and cuming hame to his house of Crumrig with Tryamour Reidpath of Crumrig against William Reidpath of Greenlaw.

turves), on sett purpois, provisioun and foirthocht fellony to have causit him ische furth and to have slane him." Further, "the said William Reidpeth of Grenelaw, accumpanyit with his saidis sonnis and personis foirsaidis, his complices, bodin in manner abonewritten, upoun the penult day of the said moneth of Julii, come to the said mure, quhair the saidis James Fogo and James Abirnethy, his servandis foirsaid, wer wynnand his fewall, and thair of new molestit, troublit and persewit thame for thair slauchtirs, and chaissit thame of the said mure, and wald not suffer thame do thair lefull bissynes." It is represented that by these outrages the act of caution for Reidpeith of Grenelaw has been broken, and therefore he and his cautioner, William Stewart, have incurred the penalty of £2000 mentioned therein, one-half of this sum to go to the King and the other half to the complainer.—The usual charge to Reidpeth of Grenelaw as principal and to his cautioner Stewart of Caverstoun having gone forth, and the case having been called, and both parties appearing personally, the Lords, after deliberation, "ordanis that the said mater twitching the slaying of the said hors, and utheris wrangis and offenssis allegit committit in maner abonewritten, salbe first tryit before the juges competent thairto afore thay proceid in the mater of contraventioun of the said Act, and thairfore remittis the decisioun and tryall of the saidis wrangis and offenssis to the schireff of Barwick and his deputis." Acta 1581–

Sederunt—Ut in die precedente.

Holyrood-house, 13th February.

Complaint of certain French merchants.

Complaint by James Craig, as factor for "Claude le Liernero, Fader Persone, Petir Bursier, Stevin Solge, merchandis of Pareis, Petir Thomas, Gabriell Malwoise, Frances Astoire, James Gilbert, the heritoures of umquhile Peter Madioun, merchandis of Tullois, Petrus Daniell, Ophof Puecus, merchandis of Troyis, Jentoun and Arnits, merchandis of Albye, and Johnne Deabesia and Johnne la Hay, merchandis of Burdeaux," as follows:—"The personis abonewrittin having laidnit at Burdeaux, in the moneth of Maii last wes, the nowmer of ane thowsand ane hundreth and foure scoir ballis of waid, xv ballis of cork, and fourtie-nyne tunnis and terceis of wyne, in the schippis callit Esperance of Oleron and the Mervell of Methis and the Esperance of Ellon, to have bene transportit to the partis of Rowan in France, Antwerp and Middleburgh in Flandirs and Zeland, the saidis schippis wer interceptit in the way be certane Scottis pyrattis, in the begyning of Junii last wes, and brocht in be thame to the raid of Kirkcudbricht, quhair they sauld and disponit the saidis guidis, for the maist part, to the liegis of this realme. Quhairof howsone the saidis merchandis wer adverteist, thay dispatchit the said James Craig in this realme with sufficient procuratories for recoverie of the said waid; and, immediatlie efter his cuming to this realme, quhilk wes in the moneth of Julii last wes, he menit him to oure Soverane Lord and Lordis of Secrete Counsale, and obtenit letters of arreistment and intrometting with the saidis guidis, in quhatsumevir hand he mycht apprehend the samin. And,

ta 1581–85. according thairto, he recoverit, upoun wechtie and great chargeis, ane great part of the samin, samekle as wes undisponit, extending to the nowmer of
Fol. 6, b. thre hundreth and fiftie bollis waid, quhilk he in his awin name causit put in sellaris, lokkit with his awin lockis; and ane uther part he arreistit in sindre handis of the cuntre, as the particular arreistment can testefie. And now, becaus the saidis merchandis of the saidis guidis hes bene adverteist of the fruites of his laboures, thay have writtin to him for transporting of the samin waid to Rowan, gif the samin may not be commodiouslie sauld within this realme, as in thair missives thairupoun schawin to his Hienes and the saidis Lordis at mair lenth is contenit. To the fulfilling of quhilk thair command sum personis, throw pretens of commissioun of sercherie or uther sic chargeis privatlie purchest, may mak sum impediment, sua that the gude justice that he hes obtenit of befoir in this cuntre sall heirefter stand for na effect, except oure said Soverane Lord and Lordis foirsaidis provide remeid thairto."—In consequence of this complaint charge had been given to William Stewart of Montoun, "pretendand him to have ane commissioun of sercheorie," and to Mathias Dangrew, "allegeand him to have ane factorie for intromissioun with the saidis guidis," to appear, with their documents, and to show reasonable cause why the same should not be discharged and annulled, and why they should not be denounced and put to the horn if they should molest the complainer "under pretens of thair commissionis in intromissioun with the wyne and waid foirsaid;" and now, the complainer having appeared, but the two defenders having failed to appear, the Lords [1] "decernis the saidis commissiones and letters of factories maid and gevin to the saidis William Stewart and Matheas Dangrew to have bene null from the begyning, and to have na force, effect nor executioun in tyme cuming;" [2] "also ordanis letters to be direct to denunce the saidis William and Mathias, and thair servandis and doars quhatsumevir, our Soverane Lordis rebellis, and put thame to the horne, in cais thay mak ony trouble or molestatioun to the said James, under pretens of thair commissionis, in intromissioun with the wyne and waid abonementionat."[1]

Lady Wester Wemyss against John Ritchie, messenger.

Complaint of Marioun Towris, Lady Wester Wemys, as follows:—Acting on the general letters for "ingetting" the late tax of £40,000 [*ante*, p. 360], "quhairintill ten schillings is appointit to be uptaken of everie pund land," Johnne Ritchie, messenger, had charged her "for payment of the sowme of aucht pund vi ß. viii đ. for hir part of the said taxt, and that for certane landis of the leving of Wester Wemys quhilk scho hes in conjunct fie or lyfrent." This sum she had paid to Ritchie on the 26th of August last, as his acquittance shown will testify; and that "albeit the said sowme be mekle mair nor scho aucht to have payit for the taxt foirsaid,—in respect, the haill landis quhilk is scho hes in conjunctfe or lyfrent being taxt every pund land to x ß., hir part of the said taxt will not extend

[1] The William Stewart of Monkton concerned in this entry was a younger son of Lord Ochiltree, and brother of the Earl of Arran.

to thre pundis or thairby." But, further, the said Ritchie, "be the instigatioun of certane hir unfriendis," has lately, without any warrant, charged her "to mak payment for the taxt appointit be umquhile James, Erll of Mortoun, for the Harlaw Wod [*cf.* vol. ii. pp. 467, 620], and for the taxt appointit be his Hienes for the Brig of Perth" [*ante*, p. 438]; and, "albeit scho hes already payit fyve merkis money or thairby mair nor hir part of the saidis taxtis extendit to, and that for feir of horning past upoun hir," yet the same Ritchie, "for hir allegit dissobedience of the saidis chargeis," intends now to put her to the horn. On the grounds here stated, and also because she "hes found cautioun to pay hir part of the saidis taxationes in cais it salbe fundin that scho hes not payit the samin already and mair," she prays that the letters of horning against her be suspended.—To meet this complaint there had been summoned not only Ritchie, but also the Earl of Montrois and the Earl of Gowry, as collectors-general of the said taxes; and now, the complainer having appeared by Mr. William Harvie, her procurator, and Ritchie and the Earl of Gowry appearing personally, but not the Earl of Montrois, the Lords remit the decision of the matter to "the Commissioners appointit for the same effect be the lait Act of Parliament" [Acts, 1581, iii. 214], ordaining them "to proceid and tak order thairin acccording to thair gude discretioun." Acta 1581 Fol. 7, a.

Holyrood-house, 15th February.

Sederunt—Esmeus, Dux Lennoxe;[1] Colinus, Comes Ergadie, Cancellarius; Willielmus, Comes Gowrie; Joannes, Comes Mortoun; Jacobus, Dominus Downe; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Advocatus.

Order for Justice Court of Roxburgh and Selkirk to meet at Jedburgh: Mr James Halyburton, Provost of Dundee, to be assessor.

The King and Council remember that, in consequence of the enormities "committit betuix the inhabitantis of Teviotdale and Liddisdaill of the surnames of Scott, Ellot, Armstrang and thair assisters," they had "directit assurance to be taken betuix the saidis parteis quhill the maters debatable amangis thame mycht be tryit and ordourit" [*ante*, p. 380]. Understanding that "the said assurance is allegeit to be violat and transgressit on baith partes," his Majesty, "willing to have the violatioun of the said assurance puneist, and all utheris crymes and enormiteis, speciallie of thift, ressett of thift, slauchter, murther, fyre-raising, revesing of wemen, maisterfull oppressionis done and committit within the boundis of the schiref domes of Roxburgh and Selkirk sen his Hienes acceptioun of the governament of this realme in his awin persoun," now commands Sir William Ker of Cesfurd, warden and justice of the Middle March, to cause proclaim a justice court to be held in the tolbooth of Jedburgh on Wednesday the 18th of April next, and to warn all parties to give in their dittays to the warden clerk with all diligence, "to the effect that the personis

[1] Note the reappearance of the Duke of Lennox in the Council at Holyrood House, after a considerable period of absence.

cta 1581–85. complenit upoun may be arreistit to the said Justice Court in dew tyme, at leist xv dayes befoir the same." Further, "in cais ony personis dwelland within the said wardanrie will allege thameselffis to stand in unkyndnes or feid with the said wardane and justice, quhairthrow he may be suspect juge to thame," the King is willing that, on the supplication of such persons, and on their finding surety to underlie the law, "thay salbe exemit fra the commissioun and pouer of justiciarie foirsaid of the said warden (quhairunto he hes willinglie consentit)," and shall be tried by one of the Council or of the Session, or some nobleman or baron in Fyffe, Lauthian, or other inland district, with the assistance of the warden, sheriffs, and other barons and gentlemen of the wardenry [*cf. ante*, p. 347]. On the ground that the said assurance of mutual peace by the Scotts, Armstrangs, and Ellotts had been taken by Mr James Halyburton, Provost of Dundee, as the King's commissioner, his Majesty "hes deliberat to send the said Maister James Halyburtoun, provest of Dundie, to sitt as justice in the triall and puneisment of all attemptatis tending to the violatioun of the said assurance, according to ane commissioun to be gevin him thairupoun;" and he will also "direct his justice-clerk to be present and use his office be himself and his deputis in the said court of justiciarie." Proclamation of the premisses is ordered at the market crosses of Jedburgh, Selkirk, Kelso, Hawik, and other places needful.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Jacobus, Dominus Doun; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Adamus, Commendatarius de Cambuskynneth; Clericus Registri; Computorum Rotulator; Advocatus. Holyrood-house, 17th February.

Suspension of the letters of horning obtained by Logan of Restalrig against Patrick Hume, Alexander Hoppringle, George Hume, and Andrew Gardin.

Complaint by Patrik Home, brother of Alexander Home of Mandirstoun, Alexander Hoppringle in Cauldstreme, George Hume of Cramycruke, and
Fol. 7, b. Andro Gardin in Gradin, against Robert Logane of Restalrig, who has obtained letters causing them to be denounced as rebels for not having appeared before the Council and found surety that they would not molest him in the possession of his lands of Nathir Byre, and for not restoring 20 bolls of oats alleged to have been stolen by them furth of the same [*ante*, p. 419]. They now represent that they have been put "to the horne maist wranguslie, considering it is of veritie that the saidis compliners were nathir summond personalie nor at thair duelling places to the effect foirsaid; nor yit wes thair ony intimatioun maid or copie of the saidis letters deliverit to thame; sua that thair absence procedit not upoun contempt of his Majestie, bot upoun meare ignorance of the said charge, as indeid the saidis compliners had sufficient causes and ressonis to have stoppit the geving of the saidis letters, in cais they had bene lauchfullie chargeit, as thay wer not; speciallie, in sa far as thay wer not upoun the ground at the taking away of the saidis cornes, nor yit within sex myles quhairfra the samin wes taken, nather yit had thay ony foir-

knawlege thairof nor ressett the samin." On these grounds they represent that the letters and process against them ought to be suspended simpliciter.—Logan of Restalrig having been charged to appear, bringing the letters complained of with him, and Patrik Hume having appeared personally for himself and for the other three complainers, while Logan has failed to appear, the Lords "suspendis the foirsaidis letters purchest be the said Robert Logane, effect thairof and proces of horning contenit thairintill upoun the saidis Patrik Hume, Alexander Hoppringle, George Hume, and Andro Gradin, in tyme cuming, ay and quhill the saidis letters be producit befoir the saidis Lordis, and that thay be warnit to the productioun of the samin as efferis." Acta 1581–

Sederunt—Ut in die predicto.

Holyrood-house, 20th February. Revocation of a particular gift to Captain Andrew Lammie, with promise of an equivalent.

Archebald Douglas, natural son of the late Earl of Mortoun, having some time ago been denounced rebel for non-appearance before the Council to answer such things as might be inquired of him [*ante*, p. 369], "his Majestie, schortlie thairefter, subscrivit and past ane gift to his traist cousing James, Erll of Murray, and Dame Elizabeth Stewart, his spous, the langer levar of thame twa, thair aires and assignais, ane or ma, off the yeirlie pensioun of the sowme of fyve hundreth pundis quhilk pertenit to the said Archebald, disponit to him be David, Bischop of Abirdene, with consent of the dene and chaptour of the cathedrall kirk of Abirdene." His Majesty had at the same time promised to ratify the gift and renew it "efter the lait proces and dome of forfaltour led and pronuncit aganis the said Archebald for certane crymes of tressoun and les-majestie committit be him, of the quhilkis he wes convict in Parliament [1581, iii. 193]." Since then, however, his Majesty, having been "gevin to understand that the said pensioun wes vacand in his Hienes handis undisponit" and being "urgit be solistatioun and importune sute of Capitane Andro Lamby," had, "partlie be circumventioun," been "movit to subscrive and pas a gift to the said Capitane of a part of the said yeirlie pensioun, extending to foure hundreth merkis, with speciall assignatioun appointit in payment thairof." Now, therefore, "becaus the samin wes purchest inorderlie and surreptiouslie be circumventioun of his Hienes as said is, and tendis to the hinder of the fulfilling of his Majesteis promeis and to the prejudice of the former gift," his Majesty, with advice of his Council "revokis, cassis, and annullis the samin, decerning the same to have bene from the begynnyng, and to be in tyme cuming, null and of nane avale, force nor effect, with all that hes followit or may follow thairupoun." All judges and officials are to take notice to that effect, and to recognise the right of the Earl of Murray and his spouse, and their heir and assignees to the pensioun, "conforme to his Majesties gift maid and past to thame of the day and dait of thir presentis," notwithstanding the gift to Captain Lamby now revoked, or any other act or law to the contrary. "And yit, his Hienes acknawleging the said Capitanis gude service done to his Fol. 8, a.

Acta 1581–85. Majestie in tymes bygane, meriting ane honest recompens and reward, and willing to see him ressonablie satisfeit thairfore, as he hes weill deservit, his Majestie thairfore promittis, in the word of ane Prince, to gratefie him with the dispositioun of ane pensioun of foure hundreth merkis yeirlie out of the first benefice that sal happin to vaik that may spair the samin, or be sum uther casualitie, sua that alwyse he sall think his said service weill bestowit."

Anent the supply of wines for his Majesty's household.

"The Kingis Majestie understanding, be the report of the officiaris of his Hienes hous, how his Hienes is not weill providit of wynis this present yeir to the furnesing and sustentatioun of his said house,—the awners of the wynis differring to answer and deliver samekle thairof to his Hienes use as is necessarlie requirit thairto, upoun excuse of the want of payment for the wynis ressavit to his Majestie the last yeir, howbeit his Majestie, be his awin mowth and be the declaratioun of his Maister of Houshald and uther speciall servandis, hes assurit the provest, baillies and counsale of Edinburgh of gude and thankfull payment to be maid for the saidis wynis, alsweill restand awand of the yeir bygane, as of the wyne now to be furnist to his Hienes this present yeir, howsone possiblie provisioun may be maid thairfore,—and that the furnising of his Hienes house with wynis is ane mater sa necessar as that it can not be differrit nor myslippinnit: Thairfore oure Soverane Lord, with avise of the Lordis of Secrete Counsale, ordanis lettirs to be direct to command and charge the saidis provest, baillies and counsale of Edinburgh, Dundie, Sanctandrois, and utheris townes quhair wynes ar arryvit or sal happin to cum in this present yeir, to caus mak oppin durris of the sellaris and schippis quhair wynis presentlie ar or sal happin to be, to the effect that oure Soverane Lordis symliers may taist, waill, and intromet with samekle of the saidis wynis to his Hienes use as salbe thocht necessar thairfore this present yeir, and to carie and transport the same, upoun thankfull payment to be maid thairfore be sic meanes as his Majestie, with avise of his Counsale, promises to appoint and to caus be performit and satisfeit,—that is, the payment of the wynis restand of the yeir bygane betuix the dait heirof and the Feist of Witsounday nix to cum, and for the wynis to be now ressavit this present yeir within the space of yeir and day efter the dait heirof; and that the saidis provest, baillies, and counsale of the saidis burrowis respective se this present ordinance put in executioun within xxiiii houres nixt efter thay be chargeit thairto, as thay will answer upoun thair obedience at thair uttermaist charge and perrell, with certificatioun to thame, and thay failye, commandiment and directioun salbe gevin to utheris quhom his Majestie plesis to put this present ordinance to dew executioun in all poyntes."

The Earl of Argyle against three captains.

Complaint by Colene, Earl of Ergile, as follows:—"Capitanis David Creichtoun, James Bruce, and William Scrimgeour, allegeing that his Hienes hes assignit to thame, for payment of thair soldioures for thair

wageis, divers sowmes of money allegit restand awand be the schireffis, Acta 1581. beneficit men, and utheris, contenit in thair assignationis for thair partes of the last taxatioun of fourty thowsand pundis, hes obtenit letters, and thairwith hes causit charge the said compliner to mak payment thairof, within thre dayes nixt efter the charge, under the pane of rebellioun, and intendis to put him to the horne,—maist wranguslie, considering the said compliner wes nevir of befoir chargit, nor yit ony stent roll deliverit to him, and the letters ar generall, not specifeand howmekle he is addettit into; the said charge upoun thre dayes being sa schort that it is impossible to him to schaw within that space his obedience. Attoure, gif the said compliner in onywyse be addettit in the said taxatioun, the samin is only as schiref of the schirefdome of Tarbert; quhilk hes nevir bene in use of paying ony taxatioun or contributioun in ony Kingis tyme of befoir: yea, scarslie will pay thair awin few males,—the saidis haill landis, at the leist for the maist part, nevir being stentit nor retourit, yea the maist part of the samin bruikit but sesing or evident; and the farthest the said compliner can be addettit into is bot only to do his diligence. Quhilk he hes done already: viz., upoun lettirs impetrat be him of his Hienes and the saidis Lordis of Secrete Counsale, he hes causit charge the frehalders, under the pane of rebellioun, to mak payment, lyke as alsua he wald have causit poind thair reddiest guidis and geir for the samin,—quhilk thay wald not suffer, as the executiones thairof schawin to his Hienes and his said Secrete Counsale beris; and, as to the denunciatioun of thame to the horne, the said compliner hes differrit the samin unto the tyme he knew his Hienes and Lordschippis myndis thairinto, in respect of the great inconvenientis and impunetie of all crymes that may follow in cais sic personis pas to the horne. Quhilk nevirtheles, in cais his Hienes and the saidis Lordis thinkis expedient, he sall caus be execute with all diligence; and further he can not be astrictit of law nor equitie." On these grounds he prays suspension of the letters of horning against him.—The three captains having been summoned, and "the said Colene, Erll of Ergyle, comperand Fol. 8, b. personalie, and the saidis Capitanis James Bruce and William Scrymgeoure comperand alsua personalie, for thameselffis and als in name of the said Capitane David Creichtoun," the decision is:—"Ordanis the said Colene, Erll of Ergile, to mak payment of the sowmes quhairwith he is chargeit for the taxatioun of the said schirefdome of Tarbert betuix the dait heirof and the twenty day of Aprile nix to cum, or ellis to report letters dewlie execute and indorsat upoun the barronis, frehalders and utheris, addettit in payment thairof for his relief upoun the samin day, to the effect further ordoure may be taken heiranent as appertenis; and in the meyntyme suspendis, as of befoir, the foirsaidis letters purchest be the saidis capitanis aganis the said Erll."

Holyrood house, 21st February.

Sederunt—Ut in die predicto.

Notwithstanding the charge directed to the provost, bailies, and council of

Acta 1581–85. the burghs of Edinburgh, Dundie, Sanctandrois and other towns where wines have arrived, ordaining them to allow his Majesty's "symliers" to intromit with so much of the said wines for the use of the King's household as should be thought necessary for the present year [*ante*, p. 451], "the saidis provestis and baillies of the foirsaidis burrowis hes done, nather myndis to do, ony diligence for causing of his Hienes to be furneist of the saidis wynis of this present yeir; usand vane excusis, or rather refusand oure commandiment in that behalf: quhairthrow his Majestie is liklie to be myslippinnit of wynis in thair default, gif sum uther remeid be not providit." Therefore, the King, with advice of his Council, "gevis and grantis full pouer and commissioun, expres bidding and charge, to his weilbelovittis Mungo Grhame of Rathernis, Murray, younger of Tullybardin, James Chesholme of Crumlix, his Majesties maister houshalderis, and Jeremy Bowy, his Hienes symleir, to pas and mak oppin durris of sellaris and schippis quhair wynis presentlie ar or sal happin to be, and to taist, waill, and intromet with samekle of the said wynis to his Hienes use as thay sall think necessar thairfore this present yeir,"—payment to be made as ordered by the late Act [*ante*, p. 451]. Letters are to be directed charging the provosts and bailies of the foresaid burghs, and the lieges generally, "to concur, fortifie, and assist the saidis commissioners, conjunctlie and severalie, in the executioun of the premissis, and to do nor attempt nathing to thair hinderance," at their utmost peril. Commission to intromit with wines for the King's use.

Registration of band presented by Mr David Makgill, advocate, "according to ane lettir direct to him fra Esme, Duke of Lennox."—The King having of his special grace and mercy granted to Sir Thomas Ker of Pharnyhirst the benefit of the Act of Pacification made at Perth, the Duke becomes cautioner for him in £5000, that he "sall constantlie abyde at
Fol. 9, a. oure Soverane Lordis obedience as his Hienes faithful and obedient subject, and not declyne in ony sort thairfa in tyme cuming." The band, subscribed by Lennox at Halyrudehous, 16th February 1581, is witnessed by Mr Henry Keir of Cadderhall, Henry Mawer, portioner of Skene, and Waltir Keir, servitor to the Duke of Lennox. Registration of a band of caution by the Duke of Lennox for Sir Thomas Ker of Fernihirst.

Sir Thomas Ker of Pharnyhirst grants to his cautioner, the Duke of Lennox, a band of relief, which is also registered, and dated and witnessed as above, "Henry Mawer" being in this band designated "Henry Mauld." [1] Fernihirst's obligation to relieve the same.

Sederunt—REGE PRESENTE—Dux Lennoxie; Colinus, Comes Ergadie, Cancellarius; David, Comes de Craufurd; Willielmus, Comes Gowrie; Joannes, Comes de Mortoun; Jacobus, Dominus Downe; Robertus, Commendatarius de Dumfermling; Marcus, Commendatarius de Newbottill; Alexander, Commendatarius de Culros; Holyrood-house, 22nd February.

[1] About Ker of Fernihirst (see *ante*, p. 395, and footnote there). See also Acts of Parl. iii. 281, 282 for Act of November 29, 1581, granting the benefit of the Pacification to him and others.

Adamus, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciare. Acta 1581–85

Recall of confirmation of a tack granted by Claud Hamilton, and of all similar confirmations of grants made by those convicted of the murders of the Regents Moray and Lennox.

The Acts of Parliament ordaining that dispositions of heritage by persons convicted of the murders of the Regents Moray and Lennox shall be null [Acts of Parl. 1571, c. 4, iii. 58; 1578, c. 12, iii. 102] have had due effect till of late, when "certane personis, ressavers of alienationes, dispositiones, takis and assedationes of landis, teindis, rowmes, and possessiones," have Fol. 9, b. surreptitiously obtained the King's confirmation of the same, with "expres claussis suppleing all imperfectionis and defectionis thairof be the inhabilitie, forfaltour, and convictoun of the personis makers of the saidis alienationes, dispositionis and assedationes." All this is contrary to the Acts of Parliament, "aganis oure Soverane Lordis meaning, and to the great hurt and prejudice of his Hienes gude liegis and subjectis to quhom his Majestie for gude caussis had befoir disponit the landis, benefices, rowmes and possessiones pertening to certane personis already convict of the saidis horrible murthers." In particular, in consequence of the said confirmations surreptitiously procured, "the Lordis of his Counsale and Sessioun have taken occasioun to authorise the nynetene yeir tak allegeit maid be Claude, sumtyme commendatar of Paislay, quha is convict of the tressonable slauchter of our said Soverane Lordis dearest guidsire, to Robert Dalzell of that Ilk, his aires and assignais, of the teindschavis of Culboweis and Barnis, lyand within the parochin of Kirkpatrik, regalitie of Paislay and schirefdome of Dumbertan, for the space of nynetene yeris, to the great hurt and prejudice of oure said Soverane Lord, and William, now commendater of Paislay, quha wes providit thairto lang befoir the said confirmatioun; quhilk confirmatioun wes alsua obtenit lang efter the pley movit be the said Robert Dalzell upoun his said nynetene yeir tak surreptitiouslie, the veritie being suppressit and nawyse declarit unto himself, in a mater sa neirlie twitching him, the said Commendater being alsua befoir in peciable possession of the saidis teindis." Now, accordingly, the King, with advice of his Council, "willing to tak away the inconvenient foirsaid quhilk may follow be the saidis pretendit confirmationis, not only in the particular befoir specifeit, bot generallie in all utheris being of the lyke sort," declares that he "hes revokit, cassit, retretit and annullit, and be the tennour of thir presentis revokis, retretis, cassis and annullis, all and sindre confirmationes and ratefications of the said tak maid to the said Robert Dalzell generallie be his Hienes, of quhatsumevir dait and contenand quhatsumevir claussis, with all utheris ratificationes and confirmationes grantit be his Hienis of quhatsumevir infeftmentis and dispositionis, takkis and assedationis, maid to quhatsumevir persoun or personis, of landis teindis, rowmes and possessionis maid be the personis convict of the saidis murthers and slauchters at ony tyme sen the committing thairof, in prejudice of ony of his Hienes liegis to quhom his grace hes disponit the saidis landis, teindis, benefices and possessions." All judges are to take notice of this revocation and act accordingly; and, because the Lords of

Acta 1581–85. Session have already pronounced in Dalzell's case an interlocutor "quhilk is necessar to be retretit," the King, with advice of his Council, further "requiris his saidis Lordis of Sessioun to gif summar proces thairon upoun fyftene dayes warning, without dyett, table or continewatioun of utheris summondis, and that his advocat with all possible diligence insist in the persute of the said retractatioun, and the saidis Lordis of Sessioun to desist and ceis fra all further proceding in the said former cause quhill the said retractatioun may tak finall end."

Johnston of that Ilk, Douglas of Drumlanrig, and their subordinates, to appear before the Council to answer for a recent Border fray.

The King and Council understanding that "sum attemptatis and slauchter hes bene committit of lait within the boundis of the West Marches of this realme,—quhairat sum Englismen wer present, brocht in, as his Hienes is informit, be sum evill disposit personis, inhabitantis of the said Marche, purposelie, as apperis, to the troubling of the gude and quiet estate of the cuntre,"—it is ordered that letters issue "chargeing Johnne Johnnstoun of that Ilk, Edward Irwing of Boneschaw, George Grhame of Rempatrik, Cristie Irving of the Coif, sone to the said Edward, Mungo Johnnstoun of Locarby, and Reid Alexander Carlile of Eglisfechan, to compeir personalie, and als that the said Johnne Johnnstoun enter and present the foirsaidis personis personalie, on the ane part; and siclike to command and charge James Douglas of Drumlangrig, Maister Robert Douglas, provest of Linclowden, Watt Bell of Albye, Willie Bell of Blacathous, Mathie Bell, callit the King, Arthoure Grhame of Blawatwod, and Carlile, eldest sone to umquhile Adame Carlile of Brydekirk, to compeir personalie, and als the said James Douglas of Drumlangrig and Mr Robert Douglas to entir and present the foirsaidis utheris personis alsua personalie, on the uther part,"—all before the King and Council, at Halyrudehouse or wherever else, on the 13th of March next, "to answer to sic thingis as suld be inquirit of thame in this behalf, and to underly sic order as salbe impute unto thame twitching the triall of the said attemptat and quietnes of the cuntre in tyme cuming." They are to be so charged under pain of rebellion and horning, with certification that, if they fail, then, besides that penalty, the
Fol. 10, a. sureties bound in the Council books for them "salbe decernit to incur the panis contenit thairin, and the samin ordanit to be uptaken with all rigour and extremitie."

Caution for Pollock of that Ilk.

Caution in 500 merks by Neill Montgomery, son and apparent heir of Neill Montgomery of Langschaw, for Johnne Pollok of that Ilk, that he shall answer before the Council at Halyrudehous on 3rd March next to the complaint made by Sir Johnne Maxwell of Nethir Pollok, Johnne Maxwell of Auldhous, and Johnne Clerk in Pollokschawis, "twitching the allegeit brek of ane assurance" [see *ante*, p. 436].

Holyrood-house, 24th February.

Sederunt—Ut in die predicto.

Publication ordered of the Acts of Parliament and Privy Council forbidd-

Proclamation against eating meat in Lent.

ing anyone "to eat or sla, prepare or mak ready for eating, ony kynd of flesche" during Lent, without licence [see *ante*, vol. ii. pp. 337, 431, 500, 593]. Acta 1581–8

Holyrood-house, 27th February.

Sederunt—Willielmus, Comes de Gowrie; Jacobus, Dominus de Downe; Robertus, Commendatarius de Dumfermling; Alexander, Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Advocatus.

Order for the release of George Hume, younger, of Spott, from the custody of Hume of Manderston.

Complaint by George Hume, younger, of Spott, as follows:—Having been "detenit in prisoun in the custodie and keping of Alexander Hume of Manderstoun be the space of twelf monethis or thairby," he has divers times petitioned the King and Council for his liberty. In consequence of his last petition, "gevin in upoun the threttene day of Februar instant," the King and Council had ordained him to be liberated, "or ellis that his detiners compeir upoun the morne nixt efter the charge, and schaw ane ressonable caus quhy the samin suld not be done." He has represented since then that, being "detenit in maist strait prisoun," he will be unable to meet his detainers and answer their allegations, "in cais thay compeir the said day," unless command is given to the said Hume of Manderston to produce him before the Council on the said day.—Charge having been accordingly given to Alexander Hume of Manderstoun to appear and produce the prisoner on "the said xxvii day of Februar instant," to hear the matter settled, he has now appeared by Alexander, Commendator of Coldinhame, his son; "quha exhibitit and presentit the said George Hume, younger, of Spott," at the same time protesting that, in respect his father "had kepit him sen the xxiii day of Februar last bypast,—at quhilk tyme he wes deliverit to him and he commandit to ressave him in keping be a lettir direct fra James, Erll of Arran, quha immediatlie of befoir had taken the said George be virtew of ane commissioun, as he allegeit, direct fra the Kingis Majestie to that effect,"—therefore his said father "micht be comptit, haldin and estemit to have done nathing heiranent bot gude, trew and thankfull service to his Hienes, and had dewlie and lauchfullie dischargeit the effect and tennour of the said letter direct unto him, and that he mycht be dischargeit and exonerit thairof and of all pane and danger that he mycht incur thairthrow for evir." Without pronouncing on this demand, the Lords "decernis and declaris the said George Hume to be fre and at libertie to pas as oure Soverane Lordis fre liege in tyme cuming at his pleasour, becaus he hes found souirtie actit in the buikis of Secrete Counsale that he sall compeir personalie befoir his Majestie and Lordis of Secrete Counsale and answer to all thingis can be laid to his charge, as he salbe requirit thairto, upoun fyftene dayes warning, under the pane of ane thowsand pund." Fol. 10, b.

Caution for Hume of Spott.

Caution in £1000 to the above effect by William Douglas of Quhittinghame and Johnnstoun of Elphingstoun: Hume relieving his cautioners.

Acta 1581–85.

Sederunt—REGE PRESENTE—Esmeus, Dux Lennoxie; Willielmus, Comes Gowrie; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Cambuskynneth; Alexander, Commendatarius de Culros; Clericus Registri; Clericus Justiciarie. Holyrood-house, 28th February.

Registration of the following bands and assurances, presented by David Brysoun, macer:—[1] David, Earl of Craufurd, for himself and for his friends, assures Master Thomas Lyoun of Balduky, Master of Glammis, and his friends, "to be unhurt, unharmit, unmolestit, troublit, invadit or in onywyse persewit" be them for any cause "preceding the dait heirof unto," till 1st Nov. 1582: the said Earl, as principal, and Alexander Lyndsay of Vane, Johnne Lyndsay of Evillick, David Lyndsay of Edzell, and Mr Waltir Lyndsay, as cautioners, obliging themselves to "observe, keip, and fulfill all and sindre the premissis unviolat, under the pane of ten thowsand pundis." Registration of two bands of assurance between the Earl of Craufurd and Thomas Lyon, Master of Glammis.

Fol. 11, a. [2] On the other hand, Mr Thomas Lyoun of Baldukie, Master of Glammis, assures David, Earl of Crawfurd, to the same effect till 1st November next: the said Master of Glammis, as principal, and James Scrymgeoure of Dudop, constable of Dundie, James Rollok of Duncrub, Walter Rollok of Petmedy, and Johnne Lyoun of Cossins, as cautioners, becoming bound in £10,000 that the said assurance shall be kept "unviolat."—Both bands are subscribed by the principals, and witnessed by their cautioners, at the Cannogait, upon the penult day of February 1581.

Sederunt—Willielmus, Comes de Gowrie; Hugo, Comes de Eglingtoun; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Adamus, Commendatarius de Cambuskynneth; Alexander, Commendatarius de Culros; Computorum Rotulator; Clericus Registri. Holyrood-house, 3 March.

The King and Council understanding "that sum trouble and impediment hes bene, and is intendit to be, maid be divers personis to the inhabitantis of the cuntrie of Liddisdale in thair reparing to the burrowis of Jedburgh, Hawik, and sindre uther partes, for bying and transporting of vivers and siclike uther thair necessaris," it is ordered that proclamation be made at the market crosses of Jedburgh, Hawik, Selkirk, and other places needful, that none of the lieges make impediment to the coming of the said Liddesdale people to the said burghs and markets, or to their remaining therein, "for bying of vivers and utheris thair necessaris and transporting and departing with the samin thairfra in tyme cuming," under pain of being held as "usurparis of oure Soverane Lord and his authoritie," and movers of insurrection, with exemplary punishment to follow. "Be it alwyse understand that thir presentis sall on nawyse stop the executioun of the lait Act of Parliament maid aganis notorius thevis and sorners of clannis" [Acts of Parl. 1581, c. 16, iii. p. 218]. Liddisdale men to have free traffic at Jedburgh, Hawick, etc.

Holyrood-house, 5th March.

Sederunt—Ut in die predicto; REGE PRESENTE.

Mr James Halyburton, Provost of Dundee, admitted of the Privy Council.

"Forsamekle as, be Act of oure Soverane Lordis lait Parliament maid anent the establesching of his Hienes Counsell, it is appointit that his Majestie, quhen and quhair he sall think expedient, may nominat thre noblemen or sum utheris as he sall pleis to be of the nowmer of his Previe Counsale, bye and attour the utheris personis particularlie mentionat in the said Act [Acts of Parl. 1581, c. 38, iii. p. 228]: Quhairfore, his Hienes, upoun knawlege and experience had of the wosdome, honestie, gravitie, and gude jugement of his weilbelovit Maister James Halyburtoun, provest of Dundie, quha at all tymes sen his Hienes coronatioun hes bene occupeit in his Majesties effaires [*ante*, p. 448; and see vols. i. and ii. *per* Index]; hes Fol. 11, b. thocht gude thairfore to nominat and appoint, lyke as his Hienes be thir presentis nominatis and appointis, the said Maister James to be ane of the foirsaid nowmer, conforme to the said Act; lyke as the said Maister James, being personalie present, and being sworne, gaif his aith that he suld gif his Majestie his aufauld, leill and trew counsale in all thingis suld happin to be proponit in Counsale, and that he suld keip the samin secrete and unrevelit be ony maner of way, as he wald answer to God and his Hienes thairupoun."

Caution for Wallace of Craigie.

Caution in £1000 by Johnne Wallace of Cragy, as principal, and Thomas Kennedy, tutor of Cassillis, as surety, that Thomas Tait of Adamhill, his wife, bairns, tenants, and servants, shall be skaithless in their persons and goods of the said Johnne Wallace [*ante*, p. 429].

Holyrood-house, 6th March.

Sederunt—Willielmus, Comes de Gowrie; Hugo, Comes de Eglingtoun; Robertus, Commendatarius de Dumfermling; Adamus, Commendatarius de Cambuskynneth; Alexander, Commendatarius de Culros; Clericus Registri; Prepositus Dundie; Advocatus.

Order to supersede execution of all actions for acknowledged debt upon the Collector-General till Martinmas 1582.

Supplication by Adame, Commendator of Cambuskynneth, collector-general of the superplus of the thirds of benefices, as follows:—"He hes maid his comptis of the said collectorie of the croppis and yeris of God j^{m}v^{c}lxxix and lxxx yeris; in the quhilkis it is found that the said collectour is superexpendit in a large sowme;" besides which "he hes taken on him allowance of divers sowmes of money assignit and gevin to sindre personis furth of the said collectorie, quhilkis ar not possible to be payit be him to the personis cravand for the same, without sum ressonable space be grantit to him, that in the meyntyme exact and utter diligence may be usit be him for satisfeing and outredding thairof, be the restis to be gottin in and utherwyse, sa far as possiblie may be done." He prays, therefore, the King and Council, "be thair act and ordinance, to ordane the executing of all extractis of the allowances contenit in the said collectouris comptis to ceis and be supercedit, and all officers to desist fra using and executing of ony letters thairupoun aganis the said collectoure, unto the Feist of Martymes nix to cum, or sic ressonable space as suld have pleasit his

ta 1581–85. Majestie and the saidis Lordis, to the effect that in the meyntyme all diligence possible mycht be usit be him for satisfeing of the saidis dettis." —The supplication having been considered, the order of the Council is that its prayer be granted, "the executioun of all extractis of the allowances contenit in the said collectouris comptis, to ceis and be supercedit," &c., as in the words of the prayer, "unto the Feist of Martymes nix to cum in the yeir of God j^{m}v^{c} foure scoir twa yeris."

Caution for Sir David Hamilton of Fingalton.

Caution by George Hammyltoun in Prestoun for Sir David Hammyltoun of Fingaltoun, that he shall pay to James Cunynghame, pensioner of Lesmahago, the sum of £20 "for his relief, at the handis of the Commendatar of Kelso and his chalmerlanis, of his part of the lait taxatioun quhairwith he is chargeit," in case he shall be found liable to pay the same.

Edinburgh, 10th March. Caution for Thomas Tait of Adamhill.

Caution in £500 by Thomas Stewart of Gastoun and Johnne Boswell of Affleck, for Thomas Tait of Adamehill, that Johnne Wallace of Cragie, his wife, bairns, tenants, and servants, shall be harmless and skaithless of the said Thomas [see *ante*, p. 458].

Fol. 12, a. Caution for Patrick Maxwell of Stanelie.

Caution in 1000 merks by Patrik Maxwell of Stanelie, as principal, and Robert Maxwell, younger of Aikinheid, as surety, that Elizabeth Wallace, relict of Gabriell Maxwell of Stanelie, and her servants and tenants, shall be harmless and skaithless of the said Patrik in their persons and goods.

Holyroodhouse, 13th March.

Sederunt—REGE PRESENTE—Esmeus, Dux Lennoxie; Jacobus, Comes de Arrane;[1] Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Advocatus.

New complaint by Hume of Spott against Hume of Manderston.

New complaint by George Hume, younger of Spott, who has just been released, by order of Council, from the custody of Hume of Manderstoun

[1] This is the first recorded reappearance of Lennox and Arran together at the Council Board since 19th August last (*ante*, p. 416). Though the quarrel between them had been made up on the 1st of February, when Arran appeared in Council in Lennox's absence and demitted his office of Captain of the Guard (*ante*, p. 438), some chagrin seems to have been left in Arran's mind. He had retired to his estate of Kinneill, near Edinburgh, and talked of going abroad. He and his Countess had been anxious to have the King's presence at the baptism of their newly-born son; but that had been impossible during the rupture with Lennox, and there were obstacles to the baptism itself, with or without the King's presence, till Arran and his Countess had done ecclesiastical penance for the adultery which had given them the child. At our present date, however, matters had been arranged. On the 14th of March 1581–82, the day after the date of the present entry, Arran, at Holyroodhouse, in the King's presence, "confessed his offence, and offered to underly the discipline of the Kirk." There was some difficulty in bringing the Countess to do the same. "She was so greeved that, through her greevous words, he conceaved some displeasure." The child was baptized at Stirling on the 22nd of March, the King having ridden thither to be present (Calderwood, iii. 595, 596, and Appendix, viii. 213).

[*ante*, p. 456]. "In the moneth of Marche last bypast he, being doing his lefull effaires and bissynes within the burgh of Edinburgh as his Hienes fre liege and obedient subject, wes then taken be Alexander Hume of Manderstoun, and put be him in strait prisoun and captivitie, and detenit be him thairin almaist now be the space of ane yeir or thairby, he evir willing and offering himself, in respect of his innocency, to the triall of the lawes for ony cryme or offens committit be him that mycht be laid to his charge, as divers his supplicationes, being presentit to his Hienes and Lordis of Secrete Counsale of befoir sindre tymes, will testefie. And, immediatlie efter the said compliners taking, the Kingis Majestie chargeit him to rander his house of Spott to his Hienes, and the said compliner at his Hienes command randerit the same; quhilk house wes put in the handis of said Alexander Hume. And yit the said Alexander, not being than content thairwith, upoun narrative obtenit ane lettir of factorie of his Majestie to intromett with the said compliners haill leving, rowmes, and possessionis; quha, be virtew thairof, hes intromettit thairwith, and as yit withhaldis and detenis the same fra the said compliner, albeit that all lettirs of factories maid to quhatsumevir persoun or personis to intromet with ony mannis landis leving be dischargeit be Act of Parliament, as is notoriuslie knawin" [Acts of Parl. 1581, c. 40, iii. p. 229].—Charge having been given to Hume of Manderstoun to restore to the complainer the said house and lands of Spott within forty-eight hours after being charged, under pain of rebellion and horning, or else to have appeared before the Council and shown cause to the contrary, and the complainer having appeared personally, and the defender by Alexander, Commendator of Coldinghame, and Richard Cass, his procurators, the Lords, after hearing parties, "remittis the said matter to the Lordis of Counsale and Sessioun, to be decydit be thame, as jugeis competent thairto, as accordis." Acta 1581–8

New complaint by John Anderson, burgess of Perth.

New complaint by Johnne Andersoun, burgess of Perth:—Although, on his former complaint of his abduction from the Blackfriar kirkyard of Perth by James Ros, called Caudy James, Edmond Pitscottie, heir apparent of Loncardie, and others, and their detention of him in captivity, these persons, for neglect of the order to release him or appear before the Council to show cause to the contrary, had been denounced rebels and put to the horn [*ante*, p. 437]. Yet they remain contemptuous, "takand na regard of his Hienes authoritie and lawes, and in the meyntyme kepis and detenis the said compliner." In consideration of such contempt and contumacy, "it pleasit the Kingis Majestie to gif his Hienes commissioun to certane noble and gentle men of the cuntre, commanding thame to searche, seik, tak, and apprehend the saidis rebellis, and als to put the said compliner to libertie furth of thair handis. At command quhairof William Ruthven of Ballindaine, ane of the saidis commissioners, upoun the day of Februar instant, past to the Murelhoussis within the schirefdome of Kincardin, quhair he gat knawlege the said compliner wes kepit captive for the tyme with Archebald Irwing, guidman thairof, and William Mer- Fol. 12, b.

Acta 1581-85. chant, his gudebrother thair. At the quhilk tyme the said William Ruthven convoyit the said compliner away with him, mynding to have put him to libertie, conforme to the desire of the said commissioun. Bot notthles, or he or the said compliner wer past twa mylis fra the saidis Murelhoussis, the said James Ros, accumpanyit with the said Archebald Irwing, guidman of Murelhoussis, William Merchant, his gudebrother, and divers utheris of the cuntre raisit be thame, come upoun his Hienes commissioner foirsaid and tuke the said compliner violentlie and perforce fra him, and careit him to the said Archebald Irwingis house in Murelhouse; quha, and the said William Merchant, than ressavit and intromettit with the said compliner, takand thairby plane part with the said James Ros and utheris his Hienes rebellis."—Charge having been given to the said Archebald Irwing and William Merchant to liberate the complainer within three days under pain of rebellion and horning, or else to appear and show cause to the contrary, and "the said Johnne Andersoun comperand be , his spous and the said Archebald Irwing comperand personalie, and the said William Merchant being oftymes callit and not comperand," the Lords order letters to issue to denounce the said William Merchant and put him to the horn, and to escheat, etc.

Fol. 27, a. *Sederunt*—Esmeus, Dux Lennoxie; Jacobus, Comes de Arran; Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Advocatus. Holyrood-house, 13th March.[1]

Supplication to the King and Council by Robert Erskin, heir-apparent of Little Sauchy, as follows:—Sir James Balfoure, sometime of Pettindreich, knight, "allegeing him nevir to have bene subject to ony danger or perrell of law, suppressing the veritie of his estate," has obtained the King's letters of protection, "restorand him, his wyff and barnis, to thair landis, honouris, and possessionis," with express command to the Lords of Session to cause the restoration to take effect, "notwithstanding ony proces or dome of forfaltoure deducit aganis the said Sir James and his posteritie for ony cryme of tressoun committit be him." Now, as the said Sir James Balfoure "menis, be the saidis generall and captious claussis of the said protectioun, to extend the samin to the abhominable murther of his Majesties umquhile dearest father and twa Regentis of worthy memorie, and all forfaltouris led and to be led aganis him for the samin, to the great hazard and danger of his Hienes persoun and his haill realme, and evill exemple of all posteritie heirefter," the supplication is that "it wald pleas his Hienes to mak speciall declaratioun gif the benefite of the said The King's declaration explaining and limiting his protection granted to Sir James Balfour.

[1] This entry, so dated, occurs out of its proper place in the Record, being inserted as late as just before the entry for August 2, 1582. The sederunt had then been recovered perhaps by reference to the sederunt of the proper date (*ante*, p. 459), with which it corresponds exactly, save that "*Rege presente*" is omitted.

generall protectioun grantit to the said Sir James salbe extendit to the horrible murther of his Hienes umquhile dearest father, and to the dome of forfaltour led aganis the said Sir James for the samin, gif ony be already gevin, and Actis of Parliament proceding thairupoun," and that, if this is not his Majesty's will, then an Act of Council may be made declaratory to that effect, "sua that, gif ony sentence of forfaltoure be producit aganis the said Sir James as convict of the said horrible murther of his Hienes said umquhile dearest father, that the samin sall tak effect, notwithstanding the said protectioun."—The supplication having been read and considered, "and his Hienes calling to remembrance his awin meaning at the tyme of the granting of the said protectioun," it is now declared by the King, with advice of his Council, that neither at the time of the granting of the said protection, nor at any time before or since, "wes it, nor is it, his Hienes meaning that the samin protectioun, or ony uther past or to be past and grantit in tyme cuming to the said Sir James or ony uther persoun or personis, sall onywyse be extendit to the horrible murther of his Hienes umquhile derest father and to the dome of forfaltoure led and deducit orderlie aganis thame for the samin," but that all that was intended was "that the said Sir James suld enjoy his Hienes favoure as a subject, quhill his Majestie mycht bettir understand quhither the said conviction procedit upoun just ground and occasioun concerning the said murther or not."—The King and Council therefore ordain "the samin protectioun to have na strenth, force nor effect in jugement or outwith, in ony of the said Sir James, his wyff and barnis, actionis, sa far as the samin concernis or may concerne ony poynt of the said murther, or ony dome or sentence of forfaultour, Actis of Parliament, and statutis, maid and orderlie deducit aganis him for the samin."[1]

Acta 1581-

Fol. 27, b.

Holyrood. House, 15th March.

Sederunt—Ut in die predicto.

Fol. 12, b.

Order amending Act of Parliament respecting new coins.

"Forsamekle as be Act of oure Soverane Lordis lait Parliament it wes statute and ordanit that thair suld be ten schilling peces struccin of ellevin penny fyne, quhairof foure suld mak ane unce, in this forme,—that is to say, haveand on the ane syd the portraitour of his Majesties body armit, with ane croun upoun his heid and ane sword in his hand, with this circumscriptioun, IACOBUS VI DEI GRATIA REX SCOTORUM, and on the uther syde his Hienes armes in ane scheld, with ane croun abone the same scheild, with the dait of the yeir upoun ane of the sydes, with this circumscriptioun, HONOR REGIS IUDICIUM DILIGIT, as at mair lenth is contenit in the said Act maid thairupoun [Acts of Parl. 1581, c. 10, iii. 215]: Quhairin na

[1] About Sir James Balfour, his antecedents generally, and his connection with the murder of Darnley in particular, see *ante*, p. 453, footnote, with references there to preceding notes. The Duke of Lennox had exerted himself on behalf of Sir James Balfour; but even his influence had not been so successful in this case as in that of the Laird of Fernihirst.

Acta 1581-85. mentioun is maid of ony remedis in forgeing and stryking of the saidis pecis, bot the samin negligentlie omittit in the said Act, albeit it is maist certane that the samin peces can not be formit and cunyeit kepand the just wecht and fynes; nather wes it evir sa accustumed, bot in all aiges past sum remedis hes been grantit to the maister cunyeoure present for the tyme, alsweill of wecht as fynes, under and abone: Without the quhilk seing it is impossible that the sadis pecis can be struccin, the Kingis Majestie, with advise of the Lordis of Secrete Counsale, be thir presentis, concludis, statutis and ordanis that ilkane of the saidis peces salbe formit and cunyeit with twa granis of remeid, alsweill of wecht as fynes, under and abone; commanding heirfore the generall, maister cunyeoure, and all utheris officers of the cunyie house, ilkane in thair awin offices, to forge, prent, and caus be forgit and prentit sic peces of wecht and fynes with thair remedis as is abonementionat; willing and declaring that thir presentis salbe als sufficient warrand and securitie to thame and ilkane of them for cunyeing of the sadis pecis with the saidis remedis in maner foirsaid as gif the samin had bene speciallie mentionat and comprehendit in the said Act of Parliament; exonerand thame of all pane and danger that thay may incur thairthrow for evir."

More extensive order respecting the new coinage: Ruinous state of the cunyie-house at Holyrood.

Preamble cites an Act of the late Parliament by which "it wes statute and ordanit that the late silver cunyie, having cours upoun sa heich price and sua hurtfull and prejudiciall to the commoun weill of this realme, sould be reducit and brocht in agane, to be cunyeit of new be his Majesties maister cunyeour, betwix and the xi day of Marche instant, in
Fol. 13, a. ten schilling peces of ellevin denier fyne, contening foure in the unce, in this forme [the die described as in last entry],—for inbringing and reductioun of quhilk money thair wes nominat and appointit William Naper and Thomas Aitchesoun, to remane at Edinburgh to ressave all the said cunyie, to the nowmer of twa hundreth ellevin stane and ten pund wecht, fra his Hienes subjectis, and deliver thame uther money thairfore upoun the samin prices that thay were gevin out for betwix and the said xi day of March." [1581, c. 10, iii. 215] The minute then proceeds as follows:—"Notwithstanding, be ressoun of sindry impedimentis and occasionis quhilkis hes intervenit sensyne, and speciallie the want of sic preparationis as wes necessar for furthsetting of the work of the said new cunyie, nather culd the samin be struccin, nor yit culd the said lait cunyie be brocht in within the tyme foirsaid appointit in the said Act, thair not being sic quantitie struccin of the said new cunyie to mak the exchange as wes necessar, without the quhilk it apperis that thair salbe ower great delay in the making of the said reductioun; and thairfore his Majestie, with advise of the saidis Lordis, having deliberat that the said reductioun sall yit tak effect sa sone as possible may be, to the commoun benefite of all estaittis of personis within this realme, hes, for this effect, prorogat the said day unto the first day of Julii nix to cum; unto the quhilk tyme the said lait cunyie sal have cours allanerlie." Proclamation to this effect is ordered

at the chief burghs of the realm, "and als to command and charge all the saidis liegis in quhais handis the said lait cunyie or ony part thairof presentlie remanis, to bring and deliver the same to the personis foirsaidis upoun the prices that thay wer gevin out for as said is, to the effect that thay may be reducit in maner abonewrittin betwix and the said first day of Julii nix to cum; certefeing thame, and thay failyie, that the said lait cunyie sall not have further cours nor the foirsaidis personis sall not be astrictit to ressave the same thairefter." Further, "considering that the said reductioun can not tak effect without sum remedis of wecht and fynes in the forging and stryking of the saidis peces, and that the samin remedis hes bene grantit to the maister cunyeour present for the tyme in all aiges past, without the quhilk seing it is impossible that ony expeditioun can be maid in the said work," the King and Council direct that the officers of the cuniehouse be charged "to forge and prent" each of the said pieces "with twa granis of remeid, alsweill of wecht as fynes, under and abone;" with the provision "that the saidis peces to be cunyeit of the said lait cunyie be ellevin d. fyne with twa granis of remedis or within of wecht and fynes, and not to exceid the samin, according to ane uther Act maid granting the remedis of the said new cunyie" [see preceding minute]. And, "to the effect that na fraude be usit in the reductioun of the said lait cunyie, and that the samyn may be hallelie reducit, at leist samekle as salbe brocht in within the tyme foirsaid," his Majesty, with advice of his Council, "hes alsua concludit and ordanit that the samin lait cunyie salbe meltit or clippit and cunyeit be itself in presence of Archebald Naper of Edinbillie, knycht, general of the cunyehous appointit be his Hienes to this effect, and keip register of haill wecht and fynes immediatlie efter the melting, and siclike of the quantitie of the same, as alsua the assey thairof to put and caus be kepit in the assey box, to be furthcumand alwyse to the maister cunyeour efter the prufe had of the samin." Moreover, "becaus his Majesties cunyiehous besyde Halyrudehous is presentlie ruynous, unmeit for working of the said work, his Hienes, with advise of the saidis Lordis, thairfore commandis the saidis general, maister cunyeoure, and utheris officiaris of the said cunyiehous, ilkane in thair awin offices, to work the samin work within the dwelling houssis of Archebald Stewart in Edinburgh in tyme cuming, ay and quhill thay be commandit in the contrar." Acta 1581–

Holyrood-house, 17th March.

Sederunt—Joannes, Comes de Mortoun; Willielmus, Comes de Gowry; Joannes, Dominus de Hereis; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Advocatus.

Complaint by inhabitants of Eyemouth and its neighbourhood against the Commendator of Coldingham.

Complaint by "Johnne Broun in Eymouth, Alexander Broun thair, William Dundas thair, Johnne Wilsoun thair, Edward Lumisden thair, Johnne yt in Aytoun, William Brown thair, Robert Graden thair, James Friskaine in Leith, James Broun thair, Abraham Wauchop Fol. 13, b.

ta 1581–85. thair, Thomas Watsoun thair, James Broun thair, Robert Robertsoun, induellar of Edinburgh, James Lowrye thair, Johnne Rechesoun thair, Johnne Dunlop in Nethir Aytoun, Johnne Levingstoun in Dadas, Johnne Callender thair, and remanent his Hienes subjectis, transporters of victuall, hydis, skynnis, tymmer and uther guides to and fra the port and heavin of Eymouth within the barony of Coldinghame." The complaint is that, whereas "thay have usit to carie and transport victuall and utheris merchandice, at the heavin and port foirsaid, to the portis, heavynnis and townes within this realme, not burdynnit nor chargeit with ony exactioun or impositioun of ony importable or unreasonable custume or dewtie thairfore," yet within the last nine years Alexander, Commendator of Coldinghame, and Alexander Hume of Manderstoun, his father, have "raisit ane unreasonable and extraordinar dewtie upoun the victuall transportit at the port foirsaid, and compellit thame to pay for every chalder of quheit xxxii ß., for every chalder of beir xvi ß., for every chalder of aittis viii ß., for every chalder of meill, peise, and benis xxiiii ß., for every daker of hydes twa ß., for every hundreth skynnis ii ß." They submit that the continuance of this exaction is unendurable, and pray for remedy.—Charge having been given to the Commendator to appear and answer, and "the said Johnne Broun, James Friskane, Edward Lumisden, William Dundas, Johnne Wilsoun, Alexander Sym, and Johnne Rechartsoun comperand personalie, for thameselffis and als in name of the remanent compliners abonewrittin, and the said Commendater comperand be Ritchard Cas, his procuratour," the Lords, after having considered the reasons alleged by both parties, together with the Commendator's gift to the abbacy of Coldinghame, "dischargeis the said Commendater, his deputis, servandis, and officiaris of all uplifting of the extraordinar impositioun abonementionat, of victuall, tymmer, skynnis, hydis and utheris guidis transportit at the port and heavin abonespecifeit, in tyme cuming." It is expressly minuted that the reason for this decision was that the Commendator had not shown reasonable cause to the contrary.

Certain of the King's late guard against the Earl of Montrose, collector-general.

Complaint of Johnne Meynzeis of Quhitekirk and Johnne Meinzeis of Culterhallis, "for thameselffis and utheris personis contenit in ane roll, quhilkis wer under the charge of James, Erll of Arrane, Lord Hammyltoun, lait capitane of his Hienes gaird":—Their complaint is that, whereas "thair wes assignit to the saidis compliners the sowme of viiᶜiii ℔. vi ß. viii đ., to be devidit amangis thame in sic forme and maner as is alsua mentionat in the said roll, to be uptaken be thame fra Johnne, Erll of Montrois, Lord Grhame, collectoure-generall of the lait taxatioun of fourty thowsand pundis,—quhilk sowme he is found restand awand at the fute of his last comptis,—in quhilk assignatioun pouer is alsua gevin to thame to ask, crave, ressave, and uptak the said sowme fra him, and that in part of payment of their wageis restand to thame," yet "the said Johnne, Erll of Montrois, will on nawyse mak payment to the saidis compliners of the said sowme, conforme to the assignatioun foirsaid and particular roll past

thairupoun, without he be compellit."—Charge having been given to the Earl to pay the sum within six days, under pain of rebellion and horning, or else to appear and show reasonable cause to the contrary, and "the said Johnne Meinzeis, David Lennox, Mathew Baillie, and Gawen Stewart comperand personalie for thameselffis and als in name of the remanent persewars abonewritten, and the said Johnne, Erll of Montrois, being oftymes callit and not comperand," the Lords therefore order letters to issue charging the Earl anew to make payment within six days, under the same pain, "and, gif he failye, the saidis sex dayes being bypast, to denunce, etc., and to eschete, etc." Acta 1581-

Holyrood-house, 19th March.

Sederunt—Esmeus, Dux Lennoxie; Jacobus, Comes de Arrane; Willielmus, Comes de Gowry; Joannes, Dominus Hereis; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Advocatus. Fol. 14, a.

Assurance between the Earl of Morton and Johnston of that Ilk.

Johnne, Earl of Mortoun, Lord Maxwell, on the one part, and Johnne Johnnstoun of that Ilk, on the other part, for themselves, and taking burden upon them for their friends, expressly assure each other "to be unhurt, unharmit, unmolestit, invadit, troublit or in onywyse persewit" till 11th November next, "under the pane of perjurie, infamy, and tynsale of perpetuall credite, honoure and estimatioun, in tyme cuming."

Holyrood-house, 20th March.

Sederunt—Ut in die predicto—REGE PRESENTE.

Money claims against the Earl of Gowrie, as Treasurer, suspended till Martinmas 1582.

William, Earl of Gowrye, treasurer, having been "movit be his Majestie to tak on him allowance in his comptis laitlie maid of divers sowmes of money contenit in certane particular preceptis direct from his Hienes and utherwyse addettit to sindre creditouris, quhairthrow it is found that he is superexpendit in large sowmes of money [*ante*, pp. 340, 390], quhilk is not possible to be payit be him to the personis craveand the same at all tymes unto the tyme he recover payment of his Hienes casualteis, as thay sal happin to occur for his relief," his Majesty therefore, with advice of the Council, "ordanis the executioun of all extractis of the allowances contenit in the said thesaurars comptis to ceis and be supercedit, and all officers to desist and ceis, lyke as his Hienes and the saidis Lordis be thir presentis dischargeis all officiaris of using and executioun of ony lettirs thairupoun aganis the said thesaurar unto the Feist of Martymes nix to cum, in the yeir of God j^{m}v^{c}lxxxii yeris, and of thair offices in that part, to the effect that in the meyntyme all diligence possible may be usit be him for satisfactioun of the saidis debttis, quhairof allowance is takin as efferis." [Compare with previous minute, p. 458.]

Holyrood-house, 21st March.

Sederunt—REGE PRESENTE—Esmeus, Dux Lennoxie; Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Joannes, Comes de

Acta 1581–85.

Mortoun; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Culros; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Advocatus.

Order to the Duke of Lennox respecting a French ship.

The ship called the "Esperance," taken by Scotch pirates from certain Frenchmen, inhabitants of the town of Sandies of Olonne in Poictou [*ante*, p. 446], having been ordered to be delivered to the King's "richt traist cousing," Esme, Duke of Lennox, "to have bene maid furthcumand to all personis haveand interes thairto," and it being now understood by his Majesty "that ane Jehane de Turnemonth, haveand sufficient pouer and commissioun of Jehane Bonehier," who is just owner of the said ship, "is reparit in this cuntre for craving, ressaving, and intrometting with the said schip and furnitour to his use," his Majesty therefore, "willing to caus delivery be maid without delay or proces of law to proceid, in respect of the great skaith sustenit be the said Jehane," commands the Duke of
Fol. 14, b. Lennox and those acting under him "to deliver the same to the said Jehane de Turnemonth, procuratoure foirsaid, with sic diligence as gudelie thay may, to be usit be him to the use of the said Jehane Bonhier, awner thairof," the Duke receiving due discharge, and "the said Jehane de Turnemonth alwyse paying the expenssis debursit."

Registration of band for Lord Borthwick.

Registration of a band made at Edinburgh, December 2, 1581, and witnessed by Mr William Harvie, advocate, Andro Borthuik, bailie of the Cannogate, Cuthbert Borthuik, brother of the Laird of Newbyres, Robert and Archebald Chirneside, "with utheris divers." The band, which is presented for registration by the said William Harvie, as procurator for Johnne Borthuik of Glengelt, refers to the decree given by the commissaries of Edinburgh on the 24th of September 1578 [*ante*, p. 34], ordering William, Lord Borthuik to pay to his wife, Dame Grissell Scott, Lady Borthuik, 30s. daily for her maintenance during the dependence of the action of divorce pursued by her against him. By the band Borthuik of Glengelt obliges himself, as principal debtor for the said Lord Borthuik, that he shall "mak thankfull payment to the said Dame Grissell of the sowmes of money contenit in the said decrete of all dayes to cum within the space of fourty dayes, and ilk fouretie dayes efter utheris, induring the said dependence of divorce instantlie depending befoir the saidis commissaris of Edinburgh, and ay and quhill the said pley tak ane end, begynnand the first fourety dayes payment upoun the thrid day of December instant, and sa furth ilk fourty dayes efter utheris during the dependence foirsaid and quhill the finall end and decisioun thairof, but prejudice of the said decrete and executioun thairof aganis the said Lord Borthuik for payment of the said threttie schillingis daylie ilk fourty dayes efter utheris during the said dependence as said is, at the said Dam Grissellis optioun" [see *ante*, pp. 108, 251.]

Caution in £100 by William Hume in Bassindane, as principal, and

Caution for William Hume in Bassindean.

Nicoll Carnecors of Calfhill, James Carnecors in , and Hume of Carrelsyde, as sureties for him, that the said William shall not trouble Mary Fleming, Lady Lethingtoun, or her tenants, in the "brouking" of the west side of the lands of Blyth. Acta 1581-8

Edinburgh, 22d March. Caution for Andrew Johnston.

Caution in £500 by Johnne Johnnstoun of that Ilk for Andro Johnnstoun, younger, in Mergebank, that William Hammyltoun of Ellirschaw, his wife, bairns, and dependants shall be harmless of him in bodies and goods. Fol. 15, a.

Edinburgh, 23rd March. Caution for Pollock of that Ilk.

Caution in £1000 by Johnne Pollok of that Ilk, as principal, and Adame Quhitefurd, younger, of that Ilk, and Neill Montgomery, younger, of Langschaw, as sureties for him, that Robert Maxwell and Margret Symple, his spouse, Lady Overpollok, thair bairns, tenants, and servants shall be harmless of the said Johnne in their bodies, goods, and gear.

Holyrood-house, 25th March 1582. Order to Thomas Aitcheson, master cunyeor, to buy silver.

"The quhilk day the Kingis Majestie, with avise of the Lordis of Secrete Counsale, for the bettir furtherance of the work of his Hienes cunyie and advancement of his Majesties proffite, ordanis and commandis Thomas Aitchesoun, his present maister cunyeoure, to bye all silver of ellevin d. fyne in tyme cuming upoun the price of xxxvii s. ilk unce, and all uther silver accordinglie *pro rata*, to be cunyeit in the new cunyie of ten schilling peces, according to the lait Act of Parliament [1581, c. 10, iii. p. 215], and that the said Thomas do his utter diligence heiranent, as he will answer to his Hienes thairupoun; for the quhilk thir presentis salbe to him sufficient warrand."

Stirling Castle, 4th April.

Sederunt[1] [not recorded].

Order to denounce John Moncur and William Greg.

Complaint of Sir Thomas Stewart of Garntulie, knight, George Stewart of Arntulie, and Alexander Stewart of Glennis, as follows:—Johnne Moncur, William Greg, and Walter Banerman, "allegeit messingers, throw the per-

[1] The King, as we have seen (*ante*, p. 459, footnote), had left Edinburgh for Stirling a few days ago to be present at the baptism of the son of the Earl and Countess of Arran. There was another reason, however, why Stirling should be now for some time the headquarters of the King and Council. This was the progress of the struggle between the Court and the Kirk in the case of Mr Robert Montgomery, minister of Stirling, and his appointment to the Archbishopric of Glasgow (*ante*, p. 425, footnote):—The Presbytery of Stirling, to whom the last General Assembly had remitted the trial of Mr Montgomery, had suspended him from his ministerial functions for not appearing, and had also, in terms of the remit from the Assembly, charged him to appear before the Synod of Lothian to hear sentence of excommunication passed on him for his contempt of the Assembly's order to him to desist meanwhile from all effort to intrude himself into the Glasgow bishopric. He had been making such efforts, with some commotion in Glasgow in consequence, and strenuous resistance on the part of the Presbytery of Glasgow. Three different ecclesiastical bodies, accordingly, were in opposition to the King and Court in this crucial case,—the Presbytery of Stirling, the Presbytery of Glasgow, and the Synod of Lothian; which last met at Edinburgh on the 3rd of April. The Presbytery of Stirling had already been before the Council in Edinburgh, on the 20th of March, and had declined the jurisdiction of the Council; and now all the three bodies were to be dealt with at Stirling.

Acta 1581–85. suasioun of certane evilwillaris, hes, on thair pretendit maner, allegit execute sindrie oure Soverane Lordis letters of laborrowis upoun the saidis compliners, and sindre utheris thair kin, freindis, and servandis, and, for allegit nonobedience thairof, hes, upoun thair pretendit maner, denuncit thame, and sindre utheris thair saidis freindis, rebellis, and put thame to the horne; at the leist hes gevin out thair indorsationes sindre and divers tymes as gif they had bene denuncit: albeit it be of veritie that the saidis compliners nor nane of thame wes nevir chargeit personalie nor at thair duelling places, nor yit at the mercat croce of the heid burgh of the schire quhair thay duell: tending thairby to bring thame to utter wrak." As the persons complained of "ar mantenit be certane the saidis compliners evilwillares, quhairthrow they can gett na justice of thame befoir thair juge ordinar, thay being fugitive fra the lawes," it is represented that they ought to be summoned before the Council to have order taken with them. —Charge having, accordingly, been given to the said persons to appear
Fol. 15, b. and answer under pain of rebellion, and "the said Sir Thomas Stewart of Garntulie, knycht, comperand personalie, for himself and als in name of the saidis George Stewart and Alexander Stewart, and the said Walter Banerman comperand alsua personalie, and the saidis Johnne Moncur and Williame Greg being oftymes callit and not comperand," the Lords order the two last to be denounced rebels and put to the horn and to escheat.

Sederunt—REGE PRESENTE—Esmeus, Dux Lennoxie; David, Comes de Craufurd; Willielmus, Comes Gowrie; Jacobus, Dominus Downe; Robertus, Commendatarius de Dumfermling; Adamus, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie. Stirling Castle, 10th April.

Complaint by Colene Eviot of Balhoussye against Johnne Andersoun, burgess of Perth, who had caused letters to be directed ordering the complainer to set him at liberty within three hours, under pain of rebellion [*ante*, p. 437], and who now "intendis, upoun plane malice, to caus put him to the horne" for disobedience. This proceeding, the complainer represents, is quite unjust, inasmuch as "he wes nawyse at the taking of the said Johnne, nor knew nathing thairof"; besides which, before the issue of the letters of horning, "he wes nather summondit personalie nor at his duelling place, nor yit wes thair ony intimatioun maid of the said charge." He is ready to answer any charge that can be brought against him, and to find caution to that effect, and prays that the letters of horning may be suspended.—Charge having been given to Andersoun to appear, "bringand with him the saidis letters, with the executiones and indorsationis thairof," and "the said Colene Eviot comperand personalie, and the said Johnne Andersoun being oftymes callit and not comperand," the order of the Lords is to suspend the letters, "ay and quhill the samin letters be producit befoir the saidis Lordis" and the complainer be "warnit to the productioun thairof as efferis." Colin Eviot against John Anderson, burgess of Perth.

Order for repayment to Mr Edmond Hay, advocate, of money he had lent for the King's service.

Master Edmond Hay, advocate, having, in June last, advanced 300 merks Acta 1581–8 for the King's service, "for payment quhairof he wes assignit to Alexander Clerk of Balbirny, provest of Edinburgh, and his pertiners, quhilkis had the lait sett of the cunyie" [see *ante*, p. 393], but this set of the cunyie, with all assignations from the profit of the said cunyie, having been discharged by Act of Parliament [Acts of Parl. 1581, c. 10, iii. 215], so that the lender cannot be repaid in that form, the King, with advice of his Council, now "ordanis the maister of his Hienes cunyiehous, present and being for the tyme, to ressave fra the said Maister Edmound Hay, his assignais and factoures in his name, alsmekle foreyne gold and silver as thay sall bring and caus be brocht to his Hienes cunyehous, and redeliver the same cunyeit to the said Mr Edmound, prentit, in money, stok, and proffite, ay and quhill the fre proffite thairof, according to the Kingis Fol. 16, a. Majesties price of bying and outgeving, extend to the said sowme of thre hundreth merkis." [Compare former similar orders, p. 435.]

Stirling Castle, 11th April.

Sederunt—Ut in die predicto.

Certain craftsmen of Aberdeen against the Provost and Bailies of that burgh.

Complaint of "Johnne Duncan, Johnne Rorie, tailyeouris, and James Banerman, baxter, and the rest of the burgessis and craftismen of the burgh of Abirdene," as follows:—"The provest and baillies of the said burgh, upoun quhat pretens or occasioun the saidis compliners knawis not, hes steikit up thair buith durris, quhilkis hes remanit closit this haill yeir bygane or thairby, and inhibite and contramandit the saidis compliners to use thair handywork and honest craftis and occupationis appointit for serving of his Hienes liegis, under the pane of deid." The complainers, having several times complained of this to the King and Council, had obtained his Majesty's "maist gratious and favourable requeistis to the saidis provest and baillies, desiring thame to lett the saidis compliners use thair honest occupationes within the said burgh, to the help and confort of thair pure wyffis and fameleis; failyeing quhairof his Hienes wald think thair procedingis aganis the saidis compliners verie strange; and, gif thay purgit thame not of oppressioun be thair spedie answer, thay wald gif his Majestie occasioun baith to think his letter in the said compliners favoures misregardit and to considder of thair caussis as thay merite and as [his] Hienes dewtie toward sic pure saulis commandis him." Notwithstanding this letter of the King, which had been produced before the Council, the said provost and bailies not only refuse to obey by opening the booth doors of the complainers, "bot banesis thame the toun for seking of the samin, and hes, be thair act of court, concludit that na burges of Abirdene sall at ony tyme efter the dait of the said Act (quhilk wes maid at Abirdene the xvii day of Februar last bypast) beir cumpany, eat or drink, gif ony kynd of work or sett houssis to duell or work in, to ony craftismen of Abirdene at ony tyme heirefter; the lyke of quhilk pernitious and ungodlie act wes nevir hard nor sene amangis ony christian people, subject to the discipline of a christian Prince, as the said compliners ar." All

Acta 1581–85. this is "to the great sclander of God and his religioun, quhilk they all profes, the contempt of the Kingis Majestie, and the saidis compliners utter wrack; for quhais farther defamatioun, and to the effect thay may mak the saidis compliners mair odious to the warld, thay have affixt the catholog of thair names upoun the maist patent tolbuith dur and on all thair awin durris, intitulit, 'The Names of the Perjurit Craftismen,' becaus the saidis compliners refusit to renunce his Majesties gratious confirmatioun grantit to thame of thair liberties and privilegeis, quhairwith his Hienes maist noble progenitouris had gratefeit thame and thair foirbearis heirtofore."—In consequence of this complaint, three charges had gone forth,—[1] charge to Gilbert Menzeis of Petfoddellis, provost of Abirdene, Alexander Rutherfurd, Robert Menzeis, elder, Robert Chalmer, and Alexander Culane, bailies of the said burgh, and Master Johnne Kennedy and Master Thomas Malesoun, town-clerks thereof, to redress the original grievance by admitting the complainers to their crafts within six days, under pain of rebellion, or else to appear before the King and Council and show cause to the contrary; [2] charge to the two town-clerks specially to appear, "bringand and produceand with thame the said Act," that its validity might be decided on; [3] charge to the said Provost and Bailies "to have sufferit and permittit the saidis compliners to have duelt and usit thair duelling houssis and buithis within the said burgh as thay have done heirtofore, for payment of the maillis usit and wont, thay findand cautioun to leif the samin at the ysche of thair takkis als gude as thay ar presentlie, and to that effect to have subscrivit to the saidis compliners fyve yeris takis of the samin," or else to appear and show the Council cause to the contrary.—"Quhilkis being callit, and the saidis craftismen of Abirdene comperand be Johnne Duncan, tailyeour, thair procuratour, and the saidis provest, baillies, and Thomas Malesoun, toun-clerk of the said burgh, comperand be Alexander Rutherford and Maister Johnne Kennedy, thair procuratouris, the ressonis and allegationis of baith the saidis parteis being hard and considerit be the saidis Lordis, and thay rypelie advisit thairwith, the Lordis of Secrete Counsale, in respect the said
Fol. 16, b. mater concernis the liberties and privilegis of ayther of the saidis parteis, remittis the samin to be persewit and decydit befoir the Lordis of Counsale and Sessioun, as onlye jugeis competent thairto, as accordis."

Order to denounce Pollock of that Ilk.

Sir Johnne Maxwell of Nethirpollok, knight, appears personally to the charge given him, by letters raised at the instance of Johnne Pollok of that Ilk, to produce letters of horning which he and others had obtained against the said Johnne Pollok, to the effect that the same might be suspended. The case had already been before the Lords on the 6th of March last, when, "baith the saidis parteis comperand than personalie," the matter had been continued, by the consent of both, to the 10th of April. On that day [yesterday] "and als upoun the xi day of the samin moneth" [to-day], Johnne Pollok of that Ilk not appearing, though often called, "the said Sir Johnne Maxwell, being personalie present as said is, protestit that the

foirsaidis lettirs purchest be him mycht of new be put to further execu- Acta 1581–8
tioun aganis the said Johnne Pollok; quhilk protestatioun the saidis Lordis admittit." They accordingly order an officer of arms "to pas and denunce the said Johnne Pollok of new our Soverane Lordis rebell, and put him to the horne, and to eschete," etc.

Caution that the Provost, Bailies, and Council of Edinburgh will do their utmost to recover the money left by the late Bishop of Orkney for founding a College in Edinburgh.

"The quhilk day, in presence of the Lordis of Secrete Counsale, Alexander Clerk of Balbirny, provest of Edinburgh, Robert Ker, younger, and Henry Charterhouse, twa of the baillies of the samin, Maister Johnne Prestoun, James Adamesoun, Alexander Udward, Johnne Johnnstoun, brother-german to James Johnnstoun of Elphingstoun, Johnne Robertsoun, and Michaell Gilbert, burgessis of the said burgh, become actit and obleist, conjunctlie and severalie, that the saidis provest and baillies, counsale and communitie, sall persew and do thair utter and exact diligence for recoverie of the sowme of aucht thousand merkis fra Walter, abbot of Kynlos, and utheris addettit in payment thairof, quhilk umquhile Robert, Bischop of Orknay, in his testament and lattir will, left for founding of ane college within the burgh of Edinburgh for exercise of learning thairinto; and, the samin being recoverit be thame, according to the pouer to be gevin thame be the Kingis Majestie with advise of the Lordis of Secrete Counsale, that thay sall bestow the samin to the use abonementionat, according to the will of the deid, within the space of ane yeir nixt thairefter, but langer delay. Sic subscribitur:—Alexander Clerk, provest. Robert Ker, baillie. Henry Charteris, bailyie. Johnne Johnnstoun. Alexander Udward. Mr Johnne Prestoun. Michaell Gilbert. Johnne Robertsoun. James Adamesoun."

Supplication of the Provost, Bailies, and Council of Edinburgh in connection with the foregoing caution.

"Anent the supplicatioun presentit to the Kingis Majestie and Lordis of Secrete Counsale be the provest, baillies, counsale, and communitie of the burgh of Edinburgh, makand mentioun that, quhair in the moneth of Januar or Februar in the year of God j^{m}v^{c}lvii yeirs, umquhile Robert, Bischop of Orknay and Zetland for the tyme, than being directit as ane of the Ambassadouris to the King of France for the mariage of our said Soverane Lordis dearest mother, in the quhilk viage he departit this lyff, be his testament and latter will left the sowme of aucht thowsand merkis money of this realme, thairof foure thowsand merkis quhilk he had lyand upoun the landis of Stranaver, and uther foure thowsand merkis of his awin proper guidis and geir, for bying of the landis and yairdis lyand in the said burgh quhilkis sumtyme pertenit to umquhile Sir Johnne Ramsay of Balmane, and for founding of ane college for exercise of learning thairinto, be the advise, counsale, and discretioun of umquhile Maister Abraham Creichtoun, provest of Dunglas, Maister James Makgill of Rankelour-nethir, Clerk of Register, and umquhile Maister Thomas Makcalyeane of Cliftounhall, as the claus of the testament of the said Robert, than Bischop of Orknay, at mair lenth beris [Reg. Priv. Coun., ii. 528, 529]:—And becaus, ane lang tyme efter his deceis, thair wes na diligence done for the

Acta 1581–85. recovering of the saidis sowmes, accomplesching of the said legacy, and fulfilling of the will of the deid, except that laitlie, in the regiment of umquhile James, sumtyme Erll of Mortoun, letters simpliciter wer direct, chargeing Walter, Abbat of Kynlos, ane of the executouris testamentaris of the said umquhile Robert, Bischop of Orknay, to exhibeit and produce befoir him and the Lordis of Secrete Counsale for the tyme the said sowme of foure thowsand merkis left of the said umquhile Bischoppis proper guidis, to the effect that the samin mycht be bestowit and allowit and employit according to the said testament, or utherwyse to godlie use: quhilkis lettirs wer nevir fullie execute in the said umquhile Regentis tyme; at the leist, the said sowme of foure thowsand merkis wes nevir consignit to the effect foirsaid:—[1]And seing the said legacie wes left to sa gude ane intentioun, and that the haill personis to quhais discretioun the accomplesing of the work wes committit ar departit this lyff, and that the saidis provest, baillies, and communitie hes maist interes at the present tyme to persew the fulfilling thairof, seing the said sowme wes left in legacie for perfectioun of sic excellent ane work, to remane within the said burgh for the weill of the inhabitants thairof and utheris his Majesties liegis, the samyn is lyke to tak na effect, except his Hienes and the saidis Lordis provide bettir remeid:—Humelie desyring, thairfore, that ane Act of Counsale may be presentlie maid, gevand to the saidis provest, baillies, [coun]sale, and communitie, and thair successouris, full pouer to follow and persew the said sowme of au[cht thow]sand merkis, aganis the said Walter, Abbot of Kynlos, and all utheris addettit thairfore, [having] the samin place and richt that his Majestie hes thairanent, with
Fol. 17, a. the like pouer in all respectis [as the saidis] umquhile Maisteris Abrahame Creichtoun, James Makgill, and Thomas Makcalyean had aganis the said Walter, Abbat of Kynlos, and quhatsumevir uther personis, to the effect the samin may be appointit and applyit to the said use quhairunto it wes left, acccording to the will of the deid, sa far as the samin is now able to satisfie; lyke as at mair lenth is contentit in the said supplicatioun. —Quhilk being red, hard and considerit be the Kingis Majestie and the saidis Lordis, and his Hienes willing to have the will of the deid tending to sa godlie use fulfillit and to hald hand thairunto sa far as in him lyis, his Majestie, thairfore, with avise of the saidis Lordis, gevis and grantis to the saidis provest, baillies, counsale, and communitie, and thair successouris, full pouer to follow and persew for recoverie of the saidis sowmes of aucht thowsand merkis fra the said Walter, Abbat of Kynlos, and all utheris addettit thairfore; lyke as his Hienes hes gevin and transferrit in thame the same place and richt that his Hienes had, hes, or onywyse may have thairanent, with the lyke pouer in all respectis and conditionis as the saidis umquhile Maister Robert Creichtoun, James Makgill, and Thomas Makcalyean had aganis the said Abbat of Kynlos and quhatsumevir uther

[1] The only order of Council preserved on the subject in Regent Morton's time is that of date May 4, 1576, given in vol. ii. pp. 528, 529 of this Register. It is somewhat to the effect of that referred to in the text, but does not quite correspond.

personis, to the effect the samin may be appointit and applyit in maner foirsaid: Becaus Alexander Clerk of Balbirny, provest of Edinburgh, Robert Ker, younger, and Henry Charters, twa of the baillies of the samin, Maister Johnne Prestoun, James Adamesoun, Alexander Udward, Johnne Johnnstoun, brother-german to James Johnnstoun of Elphingstoun, Johnne Robertsoun, and Michaell Gilbert, burgessis of the said burgh, become actit and obleist, conjunctlie and severalie, that the saidis provest, baillies, counsale, and communitie sall persew and do thair utter and exact diligence for recoverie of the said sowme; and, the samin being recoverit, that thay sall bestow the samin to the use foirsaid, according to the will of the deid, within the space of ane yeir nixt thairefter." Acta 1581–85.

Stirling Castle, 12th April.

Sederunt—REGE PRESENTE—Esmeus, Dux Lennoxie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Willielmus, Comes de Gowrye; Jacobus, Dominus Downe; Robertus, Commendatarius de Dumfermling; Adamus, Commendatarius de Cambuskynneth; [Alexander], Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Clericus Justiciarie.

Declaration that the right of disponing of the Bishopric of Glasgow has devolved into the King's hands by the neglect of the persons representing the Dean and Chapter of Glasgow to elect Mr Robert Montgomery.

"Anent oure Soverane Lordis lettirs direct, makand mentioun: Forsamekle as, be certane Commissioners authorizit be his Hienes and the Generall Assemblie of the Kirk convenit at Leith in the moneth of Januar the yeir of God j^{m}v^{c}lxxi yeris, certane articles and ordoures wer aggreit upoun, twitcheing the provisioun of qualifeit personis to archebischoprikkis and bischoprikkis vacand, to stand and continew to his Hienes majoritie or consent of Parliament,[1] and the samyn wes allowit and approvit be his Hienes and his umquhile richt traist cousing Johnne, Erll of Mar, Lord Erskin, regent to his Hienes, his realme and liegis for the tyme, in his Hienes name, and ordanit to have the strenth of ane act of his Hienes Secrete Counsale in the meyntyme,—according to the quhilk the prelaceis and utheris inferiour benefices within this realme vacand hes bene presentit and conferrit sensyne, and namelie the archebischoprik of Glasgow to umquhile Maister James Boyd, last possessour thairof, quha departit this lyff,—his Hienes licence to cheis of all honoure and commendatioun of Maister Robert Montgomery, minister of Godis word, for provisioun of him to the said Archebischoprik, wes direct to the cheptoure of the seitt of Glasgow nominat and appointit for electing of the said Archebischop, quhilk cheptour consistit in xxxii channonries or prebendareis fundatioun, distinct or severall benefices of the present possessoures; off the quhilk, sa mony as ar enterit in the functioun of the ministerie wer ordanit to be of the cheptoure for electioun of the Archebischop; as alsua, howsone the remanent possessoures of the saidis benefices sal happin to depart this lyff, the benefices alwyse to be disponit to qualefeit

[1] See Reg. Priv. Coun., vol. ii. p. 107, where the headings of the Articles and Forms are given. The Articles and Forms themselves are printed in "The Booke of the Universall Kirk," part i. pp. 207–222, and in Calderwood, vol. iii. pp. 170–196.

Acta 1581 85. personis that suld entir in the function of the ministerie, and thay to be of the cheptoure; and quhill the personis, present possessoures of the benefices, not enterit in the functioun of the ministerie, be departit this lyff, to adjoyne thame quhilkis ar already minsters providit to the saidis benefices, the uther ministers of the kirkis following to represent and supplie the cheptoure in electioun of the said Archbischop, quhilkis will not convene to that effect without thay be compellit. And anent the charge gevin to Maister David Wemys, persoun of Glasgow, Maister Thomas Smetoun, principall of the College of Glasgow, as persoun of Govane, Maister Williame Chirnesyde, persoun of Lus, Maister Thomas Jak, minister of Rutherglen, Maister Andro Polwart, sub-dene of Glasgow, Maister Johnne Howesoun, persoun of Cumbuslang, Johnne Andersoun, minster at Kirkpatrik, Maister Archebald Douglas, archedene of Glasgow, Mr Robert Ker, archedene of Teviotdale, Maister James Hill, persoun of Erskin, Maister James Brysoun, sub-chantoure of Glasgow, James Blakwod, persoun of Sanquhair, Maister Andro Hay, persoun of Renfrew, Johnne Porterfeild, persoun of Air, Maister Johnne Loverance, persoun of Douglas, Maister Hector Douglas, persoun of Ancrum, Maister William Hammyletoun, persoun of Cumnok, Maister James Betoun, persoun of Auld Roxburgh, Maister Thomas Cranstoun, persoun of Askirk, Maister George Hay, persoun of Eddilstoun, Edward Custick, minister at Dumbertane, Maister Johnne Young, minister at Irwing, Maister Robert Lyndsay, minister at Lanerk, Maister Johnne Davidsoun, minister at Hammyltoun, Johnne Spehard, minister at Campsy, Maister James Greg, minister at Cammonell, Maister Petir Prymrois, minister at Mauchlene, Maister Johnne Inglis, minister at Uchiltre, Maister Patrik Walkinschaw, minister at Stevinsoun, Johnne M°Cone, minister at Straith, to have convenit in the cietie of Glasgow at the ordinar place of the ecclesiasticall assembleis at ane certane day bypast, and thair, the said Maister Andro Hay representing the place of the Dene, the said Maister Archebald Douglas, Archedene of Glasgow, his awin place, the said Mr Robert Ker, Archedene of Teviotdale, his awin place, and the
Fol. 17, b. said Maister David Wemys the place of the Chancellar, to have procedit in the electioun of the Archebischop, according to his Hienes licence and lettirs of commendatioun direct to thame to that effect, as thay wald answer to his Hienes upoun thair obedience, and under the pane of rebellioun and putting of thame to the horne; or ellis to have comperit befoir his Hienes and Lordis of Secrete Counsale at ane certane day bypast and schawin ane ressonable cause quhy the samin suld not have bene done: with certificatioun to thame, and thay failyeit, utheris letters suld be direct simpliciter to put thame to the horne;—lykeas at mair lenth is contenit in the saidis letters.—Quhilkis being callit, and the saidis Maisters Andro Hay, David Wemys, Thomas Smetoun, Thomas Jak, Andro Polwort, Johnne Andersoun, and Johnne Porterfeild, comperand all personalie, and the remanent personis abonewrittin being oftymes callit and not comperand, the said Maister Andro Hay protestit that nathing to

be done in this jugement suld onywyse prejuge the Word of God, liberties and privilege of the Kirk, nor the lawes of this realme maid anent the same and depending thairupoun. Quhilk protestatioun, with divers utheris the ressonis and allegationis of the foirsaidis personis comperand as said is, being hard and considerit be the Kingis Majestie and the saidis Lordis, and thay rypelie advisit thairwith, the Kingis Majestie, with advise of the saidis Lordis, findis and declaris that, in respect of the foirsaidis personis, representing the Dene and Cheptour foirsaid, had delayit to follow furth in this cais the said order and forme aggreit upoun at Leith in maner foirsaid, notwithstanding that thay wer divers tymes be his Majesties letters and utherwyse requirit thairto, that thairfore the richt of dispositioun of the said bischoprik is divolvit and becum in his Hienes handes, and that his Majestie in the same respect may mak dispositioun of the same heirefter to quhom his Hienes thinkis gude." Acta 1581–

Order discharging the Presbyteries of Edinburgh, Stirling, and Dalkeith, and all other Presbyteries, as well as Provincial Synods and General Assemblies of the Kirk, from proceeding against Mr Robert Montgomery. Protest by the ministers present, through Mr Robert Pont.

"Anent oure Soverane Lordis lettirs raisit at the instance of Maister Robert Montgomery, minister, makand mentioun, that quhair upoun the xvi day of Marche last bypast he obtenit ane discharge dischargeing the presbiterie of Striveling, and all utheris presbitereis, etc., of directing of ony citationes of excommunicatioun or utheris innovatioun or troubling of him for the aspyring to the bischoprik of Glasgow, or troubling of his brethrene in admissioun thairto, as the act thairupoun presentit and schawin at mair lenth beris. Notwithstanding quhairof, the said elderschip of Striveling hes of new directit ane citatioun chargeing the said Maister Robert to compeir befoir the elderschippis of Edinburgh, Dalkeith, Linlythgow, and Striveling, within the new kirk of the burgh of Edinburgh, the thrid day of Aprile instant; quhilkis elderschippis intendis maist obstinatlie and dissobedientlie to proceid to excommunicatioun aganis him, and will not fail to proceid thairintill without his Hienes and the Lordis of Secrete Counsale provide remeid, albeit his Majestie and the saidis Lordis be thair said Act hes found thameselffis only jugeis competent thairto, as groundit upoun the act maid at Leith betuix his Hienes and the Commissioners of the haill Kirk. And anent the charge gevin to Maister Nicholl Dalgleische, as moderatour of the haill synodall assemblie, Maister James Lowsoun, Maister Robert Pont, Maister Andro Symsoun, for thameselffis and in name of the haill presbiterie of Edinburgh, Patrik Gillespie, moderatour of the haill presbiterie of Striveling, for himself and the said haill presbiterie, Patrik Kennoquhy, moderator of the presbiterie of Linlithgow, for himself and the haill presbiterie of Linlythgow, and Maister George Ramsay, moderatour of the presbiterie of Dalkeith, for himself and the remanent his haill brethrene thairof, to have comperit personalie befoir the Kingis Majestie and Lordis of Secrete Counsale at ane certane day bypast, bringand and produceand with thame the said principall citatioun, togidder with all uther proces led and deducit be thame in the said mater, to have bene sene and considerit, and to have hard and sene the samin decernit to have bene inorderlie directit and

Acta 1581-85. procedit, as expres contrar the said act and ordoure aggreit upoun at Leith, and to be suspendit simpliciter in tyme cuming; lyke as at mair lenth is contenit in the saidis letters.—Quhilkis being callit, and the said Maister Robert Montgomery comperand personalie, and the saidis presbiterie and elderschip of Edinburgh, Linlithgow, and Dalkeith, for the maist part comperand alsua personalie: quha, be the pronunciatioun of Maister Robert Pont, ane of thair nowmer, protestit that, albeit thay be personalie present and thairin hes declarit thair obedience to his Majestie, as thay myndit to continew his Hienes obedient subjectis to thair lyfes end, yit thay altogether disassentit to accept and admit his Majestie and the saidis Lordis to be judgeis competent in this cause, being ecclesiasticall, as thay allegeit, quhilk properlie appertenit to the jugement and jurisdiction of the Kirk; and thairfore that nathing to be done thairin presentlie suld onywyse be prejudicial to the Word of God, liberties and privilegeis of the Kirk, nor to the lawis of this realme maid anent the samin and depending thairupoun. Quhilk protestatioun, with divers utheris the ressonis and allegationes of baith the saidis parteis being hard and considerit be the saidis Lordis, and thay rypelie advisit thairwith, the Kingis Majestie, with advise of the saidis Lordis, dischargeis the foirsaidis presbitereis and elderschippis, and all utheris presbitereis, elderschippis, and generall and synodall assembleis, off all proceding aganis the said Maister Robert Montgomery for aspyring to the said Bischoprik of Glasgow, or troubling or persewing of his brethrene for the samin, or for ony promise maid be him thairanent, or ony uther thing depending thairupoun in tyme bygane, and of thair offices in that part, without prejudice alwyse to the same presbitereis and elderschippis, or utheris haveand lauchfull pouer, to proceid aganis him for ony uther cause or occasioun, twitching his lyff, doctrine, maners, and conversatioun, as accordis."[1]

New order against private suits to the King.

Fol. 18, a. In spite of Acts of Parliament and of Council [*ante*, pp. 284, 326, 349] against the unreasonable behaviour of those servants of the King who, "without respect of tyme, place, or other circumstances," urge and press his Majesty "to subscrive signatouris, preceptis, chargeis and missives to the Lordis of Sessioun and utheris inferiour jugeis for staying or furthering of proces in materis of justice, and sindrie utheris extraordinar writtis, utterlie perverting the ordoure appointit be the saidis actis, quhilkis ordanis things to be advisit and past first in Counsale befoir his Hienes subscrive thame," the practice still goes on. It is therefore ordained that none presume to apply for his Majesty's subscription to such documents "without the same be first red, hard and allowit be ane ordinar nowmer of his Hienes Counsale sittand, and subscrivit with twa of thair handes, and that nane of the saidis lettirs first subscrivit be his Majestie befoir the allowance thairof in Counsale, or althocht thay be subscrivit be ony uther twa of the Counsale outwith Counsale sittand, salbe ony sufficient warrand to the

[1] For account of this famous meeting of Council, and the behaviour of Pont and the other ministers, see Calderwood, iii. 596, 597.

kepars of the signet, previe or great seillis, or the clerk of the Counsale, Acta 1581–8
nor yit sall it be ony caus of offence or perrell to dissobey the same quhairevir thay sal happin to be usit or presentit, without the Duikis grace have considerit and subscrivit the same." Domestic servants of the King are to lose their places if they offend, and others offending are to be rigorously punished.

Stirling Castle, 13th April.

Sederunt—Ut in die predicto.

Order for proclamation of the late Act of Revocation of all alienations of the King's revenues.

Remembering the Act of Parliament in November last [1581, c. 68, iii. 242] by which the King "maid his revocatioun of all alienationes and dispositionis, alsweill of his propertie and casualiteis as of the superplus of thriddis of benefices, commoun kirkis, and utheris specifeit and expressit in his said revocatioun, to the effect the expenssis of his Graces house and utheris neidfull chargeis of his estate mycht be supportit and relevit thairwith," and that "little or na effect as yit hes followit, partlie in default of executioun and applying of the thingis that fell under the said revocatioun to his Hienes awin use, and partlie throw certane exceptiones and new dispositiones procurit of his Hienes sen the said revocatioun, quhilkis ar not tollerable nor may not indure and continew," the King, with advice of his Council, now ordains that the revocations made by the said Act be published by open proclamation at the market crosses of the chief burghs, and "have effect and executioun at the terme of Witsounday nix to cum and crop of the yeir of God j^{m}v^{c}lxxxii yeris instant, and yeirlie and termelie in tyme cuming," all exceptions or new gifts up to the present date ceasing and being null. The treasurer, comptroller, and collector-general are ordered "to apply and assigne all thingis fallin under his said revocatioun to his Majesties awin use, for the sustentatioun and provisioun of his house and utheris the maist necessar effaires of his estate that behuvis to be intertenit (sic things as his Majestie hes presentlie exceptit and declarit to his saidis officiaris onlie reservit), quhairthrow his Majestie may be relevit of the importunetie of utheris in tyme cuming;" and the Lords of Council and Session are required to do their part to ensure "answering and obeying" the said officials in this matter.

Appointment of Sir Robert Melville of Murdocairny to be Treasurer Depute, under the Earl of Gowrie: with orders for the management of the Treasury in future.

"The Kingis Majestie, considering how far he is drawin in debt, during the space of foure yeris now bypast, sen the acceptatioun of the governament of his realme in his awin persoun, speciallie in his thesaurarie and casualiteis, to the sowme of fouretie fyve thowsand thre hundreth lxxvi li. x s. v d. obto q., and willing to reforme heirefter sic abuses as hes occurrit in the dispositioun of his casualiteis in tyme bygane, hes thairfore nominat and recommendit his weilbelovit servitoure Sir Robert Malvile of Murdocarny, knycht, to be clerk and depute to his richt traist cousing and counsalour, William, Erll of Gowry, Lord Ruthven and Dirltoun, his Hienes thesaurar, in the office of thesaurarie, to be usit and exercit be the said Sir Robert in tyme cuming efter the day of ; and the

Acta 1581-85. said Lord thesaurar, according to the desire and commandiment of his Majestie, hes ressavit and admittit, and be the tennour heirof ressavis and admittis, the said Sir Robert in clerk and depute to him for serving and administratioun in the said office of thesaurarie, ay and quhill he be dischargeit,—gevand, grantand, and committand to the said Robert full pouer,
Fol. 18, b. speciall command, expres bidding and charge, to use and exerce the office of depute and clerk in the said office of thesaurarie, with the haill charge, credite and handilling of the casualiteis, proffites and deweties belangand thairto, alsweill in compositioun-making as in furnesing and directionis, begynnand at the first day of Aprile instant; the said Lord thesaurar alwyse continewand in his cair, owersicht and diligence in all thingis tending to our Soverane Lordis proffite and commoditie in the said office of thesaurarie, and subscrivand the signatoures quhen he is present at court; and in his absence that the said Sir Robert compone, pas and subscrive all signatouris, except sic as be of great importance and heich avale; quhilk being sa subscrivit, the same to be als sufficient warrandis to the Signet and Previe Counsale as gif thay wer subscrivit be his Hienes thesaurar; and that this present Act, autentiklie subscrivit and extractit under the subscriptioun of the Clerk of Counsale, salbe sufficient warrand to the keparis of the Signet and Previe Seillis for the effect abonewrittin. And, that his Majestie may be the better furnissit in tyme cuming, and his bygane debt in the said office the bettir payit, his Majestie, with avise of the Lordis of his Secrete Counsale, ratefeis and apprevis the formar actis maid be his Majestie, alsweill in Parliament as in Secrete Counsale, aganis the granting and dispositioun of his casualteis gratis, or dischargeing of the compositioun thairof, and of new, in presence of the saidis Lordis of his Previe Counsale, promittis *in verbo principis* to observe and keip the effect of the saidis Actis in tyme cuming during the space contenit thairin, lyke as the saidis Lordis hes instantlie promeist not to urge or preis his Majestie to grant or do ony thing aganis the order, effect, and meaning of the same Actis. Mairower, his Majestie, with advise of the saidis Lordis of his Secrete Counsale, gevis, grantis, assignis and disponis to the said William, Erll of Gowry, his Hienes thesaurar, the haill half of all casualiteis and proffites, alsweill of the cunyie as utherwyse, cuming to his Majestie of the said office of thesaurarie, and to be ressavit be the said Sir Robert in tyme cuming, in payment of the said superexpenssis of his said last compt [*ante*, p. 466], and of the furnesing maid be him in the moneth of Marche last bypast, ay and quhill he be compleitlie payit thairof; and ordanis and commandis the said Sir Robert Malvile to answer, obey and mak him payment of the same just half of the saidis casualiteis and proffites of the said office of thesaurarie during the space foirsaid; and that na new preceptis for answering of ony sowmes extraordinar be obeyit or answerit heirefter quhill the saidis bygane superexpenssis be compleitlie payit; and this present act, or the autentik copie thairof extractit, salbe sufficient warrand to the said Sir Robert for answering and payment-making to the said Lord thesaurar thairof: commanding the Lordis auditouris of his Hienes chekker

to allow the same without ony further speciall precept or command to be socht or requirit thairanent."[1] Acta 1581–8

Caution for Mr James Chisholm.

Caution by Mr James Chesholme, "archedene" of Dumblane, as principal, and Robert Buchannan of Lany, as surety, that the said principal shall pay to Johnne, Earl of Montrois, general collector of the late taxation of £40,000, the sum of £23, 10s., being his part of the said taxation for the provostry of Sanct Gelis kirk of Edinburgh.

Stirling Castle, 14th April.

Sederunt—Ut in die predicto.

Complaint of John Aitcheson, late Master of the Mint, against his successor: with decision thereon.

Complaint of Johnne Aitchesoun, "last maister of his Hienes cunyiehous," as follows:—He had obtained a precept to his successor in office, Thomas Aitchesoun, charging him "to releif the said Johnne at the handes of certane personis of the sowme of ten thousand pundis money, quhilk he acceptit upoun him in the said service, and standis obleist thairfore for his Majesties thesaurar for geir furnesit to his Hienes awin use; and, albeit he hes causit direct the said precept, togidder with ane uther of the said thesaurars, to the said Thomas, requiring him, according to the saidis preceptis, to relief the said Johnne at all mennis handis to quhom he standis obleist, notwithstanding he hes altogether refusit." Thus, "for his service, quhilk sumtyme he supponit to have bene gude and worthy of bettir reward, he seis na uther support, bot aythir to be tane to ward and suffer the haill thing that he hes to be comprisit and his wyff and childrene utterlie wrak."—Charge having been given to Thomas Aitchesoun to relieve the complainer according to precept or else appear and show cause to the contrary, and "the said Johnne Aitchesoun comperand personalie, and the said Thomas Aitchesoun being alsua personalie present," the Lords, after deliberation, decide as follows:—"Ordanis the said Thomas to accept the said precept presentlie, and to mak payment of the sowme contenit thairintill, of the reddiest of the proffite of the said cunyie, for the said Johnnes releif, efter the monethlie payment of his Hienes gaird, begynnand at the first day of Marche last bypast, and sa furth monethlie induring thair service, and efter the twa preceptis already direct to the said Thomas and acceptit be him, the ane for payment of twa thousand pundis to Johnne Robertsoun, merchand, for his Hienes clething, and the uther of foure thousand pundis to Robert Abircrumby, his Hienes saidlar, for certane furnising thairin contenit, togidder with the sowme of twa thousand pundis restand awand to the said gaird for Fol. 19, a.

[1] Sir Robert Melville of Murdocairny had been one of the chiefs of the movement by Kirkcaldy of Grange and Maitland of Lethington on behalf of Queen Mary, and one of the captives taken on the surrender of Edinburgh Castle to Morton in May 1573 (see Priv. Coun. Reg. vol. ii. pp. 218 and 729). Having escaped the fate of Kirkcaldy, he had lived on as a disabled enemy of Morton's through his regency; and he had been one of those who had managed the bringing over of Aubigny in 1579 for the overthrow of Morton. He had, consequently, been brought into favour and influence again under Lennox's rule.

Acta 1581-85. thair bypast service befoir the first day of Marche foirsaid; and that na executioun pas nor be direct aganis the said Thomas for payment of the said sowme of ten thowsand pundis contenit in the said Johnnes precept, bot as he salbe fundin debtoure efter the monethlie payment of the gaird and twa foirnemmyt preceptis as said is."

Order modifying an Act of Parliament for coining a new silver piece.

"Forsamekle as be Act of our Soverane Lordis lait Parliament it wes statute and ordanit that thair suld be ane penny or pece of silver cunyeit of elleyin đ. fyne, quhilk suld wey ane quarter unce troyis wecht, and to have cours for ten ß., berand sic forme and circumscriptioun as is mentionat in the said Act [Acts, 1581, c. 10, iii. 215; see also 1578, c. 23, iii. 108]: Notwithstanding, it being understand to his Majestie and Lordis of Secrete Counsale that the saidis peces, in respect of the price, is not of sic quantitie as is requisite, and that not onlye his Hienes subjectis sall tak occasioun thairthrow to myslyke of thame, bot als his Majestie salbe greatlie dampnifeit and hinderit of his proffite, be ressoun that gretar laboure, travell and diligence mon be bestowit upoun the working of the same then gif thay wer of gretar quantitie, and sua of necessitie mon diminische his Hienes proffite: For remeid quhairof, his Majestie and the saidis Lordis, following the custum that fra tyme to tyme in all aiges past hes bene observit, to the contentment of his Hienes subjectis, advancement of his Majesties proffite, and commoun benefite of the haill cuntrie, statutis and ordanis that thair salbe peces struccin and cunyeit of ane unce, thre quarters of ane unce, half ane unce, and ane quarter unce wecht, with twa granis of remeid of wecht and fynes under and abone to ilkane of the saidis peces, and to be of wecht proportionalie ilkane mair nor uther equivalent to the price; and all the same peces to be of the like forme, fynes, and circumscriptioun as is contenit in the said Act: commanding heirfore the generall, maister cunyeoure, warden, sincar, and assayer, ilkane in thair awin offices, to work and caus be wrocht the foirsaidis peces, with the saidis remedis, according to the tennour and effect of thir presentis; quhilk his Majestie and the saidis Lordis declaris salbe als sufficient warrand unto thame as gif the same and haill contentis thairof wer expreslie mentionat in the said Act of Parliament."

Sederunt—Ut in die predicto.

Stirling Castle, 16th April.

"The haill craftsmen" of Aberdeen against Gilbert Menzies of Pitfoddels, Provost of the Burgh, and the Bailies, Councillors, and Town Clerks of the same.

Complaint of "the haill craftismen of the burgh of Abirdene," following up a previous complaint of some of their number [*ante*, pp. 433, 470], as follows:— "Gilbert Menzeis, provest of the said burgh, Maister Thomas Menzeis of Durne, Robert Menzeis, elder, his brother, William Menzeis, alsua his brother, David Menzeis, William Menzeis of Ferrehill, brethir barnes, Alexander Culane, sister sone to the said provest, Alexander Rutherfurd, alsua his sister sone, Alexander Chalmer, second and thriddis of kin to him, Maister Johnne Kennedy and Maister Thomas Malesoun, toun-clerkis, alsua, having thir divers yeris bygane jugyrit thameselffis to beare the chargeis of

provest, baillies, eldermen, and counsale of the said burgh, not being electit Acta 1581
thairto be commoun consent and voit of the haill inhabitantis as use is, upoun intentioun onlie to oppres and wrak the said compliners, pure craftismen, about the Feist of Lammes and Michaelmes or thairby last bypast, hes, be thair inveterat malice borne aganis the saidis compliners, forgit, devisit and pennit the forme of ane pretendit supplicatioun allegeit maid be the saidis compliners and presentit to thame, being in effect that the saidis compliners hes renuncit, quiteclamit and dischargeit, in favoures of thame, his Hienes maist gratious ratificatioun and new dispositioun laitlie gevin to the saidis compliners of all the privilegeis, liberteis, and immuniteis quhairwith his Hienes maist noble progenitouris had gratefeit thame of befoir; contening alsua that, gif the saidis compliners presume to use ony libertie grantit to thame be his Hienes as said is, in that cais the saidis compliners and all thair posteritie suld lois thair fredome and be baneist the toun perpetuallie, and forfalt thair haill guidis and heritage for evir. Quhilk pretendit supplicatioun and band wes nevir hard, sene, nor consentit unto be ony of the saidis compliners; nor is thair ony sic thing *in rerum natura*, or, at the leist, gif it be, the saidis personis, jugyraris of thameselffis in the saidis offices of provest, baillies, and counsale, be thair seditious devises, obtenit the same be the consentis of certane depauperat, perjurit craftismen, nethir being responsall fremen, as the sadis compliners ar, nor of ony voit in counsale of the said burgh; bot, partlie throw menassing and boisting of every ane of thame severalie, allegit subscrivers of the said supplicatioun, and partlie be brybis and buddis of the saidis provest, baillies, and counsale gevin to the saidis depauperat, perjurit unfremen, allegeit craftismen, the said supplicatioun and band wes obtenit, past and subscrivit, aganis all reasoun, equitie and conscience, and to the saidis compliners heavie and utter wrak, the said provest and his factious band abonewrittin intending, be thair particular advise of thair awin factioun, conjunct with the saidis perjurit craftismen pretendit supplicatioun and band, to spuilyie the saidis compliners of thair liberteis foirsaidis and his Hienes confirmatioun past thairupoun,—the custume being sa pernitious amangis thame, and sic abusis be thair partiall dealing croppin in the said burgh, it is commoun use that na maner of man is chosin provest, baillie, counsaloure, or to brouke ony publict office, within the said burgh, except sic as the said provest and his foirsaidis gevis yeirlie in bill, being all of his awin name, sister sonnis or neir allya; throw quhilk pernitious and wickit dealing not onlie the saidis compliners, bot the haill communitie of the said burgh, is brocht to extreme indigence Fol. 19, b
and povertie, notwithstanding baith of the said confirmatioun and his Hienes utheris lettirs direct thairupoun, chargeing the saidis provest and baillies to keip and mantene the saidis compliners amangis thame in the use and possessioun of thair previlegeis and liberteis, ratefeit and renewit be his Majestie as said is, under all hiest pane, cryme and offence, that thay may committ and inrin aganis his Majestie in that behalf, as the said confirmatioun and the saidis utheris lettirs, dewlie execute and indor-

Acta 1581-85. sat, schawin and producit befoir his Hienes and Lordis foirsaidis, beris. And further, the saidis compliners having obtenit utheris letters of law-borrowis aganis the saidis provest and the utheris personis abonewrittin, thay have in contempt thairof not only baneist the toun a part of the saidis compliners, bot als lokkit in the rest of thair buith durris, making thame thairthrow unable to wyn thair leving, sindre of thame remaning heir banesit fra thair native toun and cuntre, quhair thay dar not repair for feir of thair lyffes, speciallie Johnne Duncan, Johnne Rowry, tailyeouris, Johnne Deuquhair, cordinar, and James Banerman, baxter,—the rest being in na bettir cais, quhilkis dar not for feir of thair lyffes use thair vocatioun lauchfull nor oppin thair buith durris; and sic as hes not buithis, as mesonis, taken *manu forti* and put in ward, quhair thay yit remane. Siclyke, the saidis utheris lettirs of laborrowis being procleamit and execute at the mercat croce of the said burgh upoun the sextene day of Februar last bypast, the said provest and his usurpit counsalouris upoun the morne thairefter convenit thameselffis in the Tolbuith, quhair thay, by plane Act of Court, concludit that na burges of Abirdene suld at ony tyme heirefter sett houssis, beare cumpany, eat, drink or gif ony work to ony of the saidis compliners; and, for thair further defamatioun, the saidis provost, baillies and counsale, hes affixt certane cathalogis of the saidis compliners names upoun the maist patent tolbuith dur of the said burgh, and upoun certane of every ane of thair awin durris, intitulat 'The Names of the Perjurit Craftismen,' to the great contempt of his Majestie and his maist noble progenitouris liberties and privilegis grantit to the saidis compliners, the evill exemple of utheris magistrattis to oppres thair nychtboures, and the unrecoverable herschip and defamatioun of the saidis compliners, without remeid be providit."—To meet this complaint charge had been given to "the saidis Gilbert Menzeis of Petfoddellis, provest, Alexander Rutherfurd, Robert Menzeis, elder, Alexander Culane, and Alexander Chalmer, baillies of the said burgh, and David Andersoun, ane of the counsale and dene of gyld of the said burgh, for himself and in name of the rest of the counsale of the said burgh, and Johnne Nicolsoun, notar, subscriver of the said band allegeit tane of the saidis allegeit craftismen," to appear before the King and Council, "bringand and produceand with thame the said pretendit supplicatioun and band allegeit maid be the saidis compliners in maner foirsaid, as alsua the said Act maid be the saidis provest, baillies and counsale, upoun the said sevintene day of Februar or quhatsumevir uther day," to hear the said band and Act declared void, and be "puneist in thair personis and guides for the forgeing, making and using of the samin in tyme bygane," or else to show reasonable cause to the contrary. Charge had also been given to the said provost, bailies, etc., to admit the complainers to the peaceable use and possession of their crafts and liberties under the pain of rebellion.—"Quhilkis being callit, and the saidis craftismen of Abirdene comperand be Johnne Duncan, tailyeoure, Mathew Guild and George Elphingstoun, thair procuratouris, and the saidis provest, baillies, and counsale of the

said burgh, and Johnne Nicolsoun, notar, comperand be Alexander Rutherfurd and Maister Johnne Kennedy, thair procuratouris," the Lords, after hearing parties, "remittis the said mater to be persewit and decydit befoir the Lordis of Counsale and Session, onlie jugeis competent thairto, as accordis; and in the meyntyme, quhill the decisioun of the same, ordanis ayther of the saidis parteis to remane, use, and behave thameselffis within the said burgh as thay did befoir the purchessing of the said confirmatioun upoun the xxii day of Julii last bypast, as they will answer to oure Soverane Lord upoun thair obedience; without prejudice alwyse of ayther of thair liberties and previlegeis or utheris thair actiones and caussis already intentit and persewit or to be intentit and persewit befoir the saidis jugeis competent thairto as accordis." Acta 1581–8

William Wilkie, messenger, and others, in Crail, against John Ramsay, Common Clerk of Crail, and John Davidson.

Complaint of William Wilkie, messenger, Patrik Strang, and Henry Lyndsay, in Craill, father, "and the remanent kin and freindis, of umquhile Margret Lyndsay, for thair interes," as follows:—On the 11th of February last, the said William Wilkie having gone to execute "letters raisit at the instance of the saidis Henry and the kin and freindis of the said umquhile Margret aganis Johnne Ramsay, common clerk of Craill, and certane utheris his complices, for calling of thame to underly the lawes befoir the justice and deputis upoun the auchtene day of Aprile instant, for art and part of the cruell slauchter of the said umquhile Margret, and utheris crymes," and the said Ramsay "being for the tyme in Ninian Woddis house in Carraill, accumpanyit with Johnne Davidsoun, mariner thair, and divers utheris his complices, to the nowmer of sextene personis or thairby," these persons "not onlie gaif the said William Wilkie mony injurious and evill wordis, put violent handis in his persoun, and detenit him perforce within the said house ane certane space, minassing to slay him, bot als thay maist cruellie and unmercyfullie straik and hurt the said Patrik Strang, witnes to the said executioun, in the heid, face, and divers partes of his body, to the effusion of his blude in great quantitie, in perrell of his lyff."—Charge having been given to Ramsay and Davidsoun to appear and answer under pain of rebellion, and "the saidis Henry Lyndsay, William Wilkie, and Patrik Strang comperand personalie, and the said Johnne Ramsay being alsua personalie present, and the said Johnne Davidsoun being oftymes callit and not comperand," the Lords order letters to issue to denounce Davidsoun rebel and put him to the horn and to escheat. Fol. 20, a.

Suit for enforcing the Act of Parliament requiring every householder of means to possess a Bible and a Psalm Book.

Representation by Robert Creichtoun of Eliok, King's Advocate, and Johnne Williamsoun, burgess of Edinburgh, as follows:—By Act of Parliament, householders worth 300 merks yearly, or £500 in lands or goods, are required to possess a Bible and Psalm Book, under a penalty of £10, one-third to go to the informer, and two-thirds to the poor of the parish [1579, c. 10, iii. 139]. "For obedience quhairof," his Majesty had directed his commission to certain judges "to cognosce upoun all sic personis as hes not the saidis Bybillis and Psalme Buikis in thair houssis," and had

Acta 1581-85. also given his commission to the said Johnne Williamsoun, "makand him sercheour generall throuchowt the haill realme for viseing, searching, and seking all and sindrie the saidis houssis" of persons coming within the Act, "and to require the sicht of thair Psalme Buikis and Bybillis, gif thay ony have, to be markit with thair awin name be the said sercheoure or his deputis handwrite, for eschewing of fraudefull and deceptfull dealing in that behalf, and, quhair nane can be found, commanding ane officiar of armes, or within burgh ony ordinar officiar thairof, at the sicht of the said commissioun or of the autentik copie thairof, to pas, poind, and distreinzie the reddiest guides and geir pertening to the saidis officiaris of the saidis houssis and duelling places, to the avale and quantitie of ten pund, to be deliverit to the said sercheoure and his deputis, to be convertit to the use abone-expremit." The commission had involved a charge "commanding all and sindrie his Hienes schireffis, stewartis, baillies of regaliteis and ryalties, and all utheris officers and ministers of his Hienes lawes and thair deputis, and in speciall the provest and baillies of every ane of the burrowis, alsweill regalitie as ryaltie, incontinent eftir thay be requirit thairto, to concur, fortefie and assist the said sercheoure and his deputis foirsaidis in the executing of the pouer grantit to thame in the said commissioun." The complaint of Williamsoun, accordingly, is that, "albeit he hes tane great travellis for executioun of the samin, and obtenit ane great nowmer of decretis befoir the saidis jugeis aganis the personis noncomperand to gif thair aithes *de calumpnia* upoun the worth and estimatioun of thair saidis guides, be the quhilk thay ar convict of the said sowme of ten pundes, nevirtheles the saidis schireffis, stewartis and baillies, provestis and baillies, and utheris officiaris within regaliteis and ryalties, refusis to gif thair said concurrance and to execute the premissis." —In consequence of this complaint, charge had been given, in particular, to Andro Ballinga and David Weland, sheriff-deputes of Fyff, either to do as required by Williamsoun's commission by poinding and distraining of the goods of convicted persons within their bounds, under pain of rebellion,
Fol. 20, b. or else to appear upon the tenth day after being charged and show cause to the contrary; and now, "the said Johnne Williamsoun comperand personalie, and the saidis Andro Ballinga and Adam Weland, schiref-deputis foirsaidis, being oftymes callit and not comperand," the Lords order anew that they "concur, fortefie, assist, and defend the said Johnne Williamsoun in the executioun of the saidis decretis and preceptis," and, if they fail, give charge to denounce them rebels, and put them to the horn.

Caution for Johnston of Kirkhill and three other persons.

Caution by Johnne Johnnstoun of that Ilk for the entry before the King or his justice of William Johnnstoun of Kirkhill, Jok Johnnstoun in Brumell, Geordie Johnnstoun, parson of Corrye, and Ritche Irwing of Wormanbe, when warned, each under pain of £1000.

Caution in £1000 by James Douglas of Drumlangrig and Mr Robert

Caution for William Bell.

Douglas, provost of Linclowden, for the entry of William Bell in Blacathous, *alias* Reidcloik, on fifteen days' warning. Acta 1581-8

Caution for Christie Irving.

Caution in £1000 by Johnne Johnnstoun of that Ilk for the entry of Cristie Irwing, son of Edward Irwing of Boneschaw, before the King or his justice, when required. In respect of this act, Robert Dickesoun of Ormistoun and Watt Scott of Eidschaw are discharged of their caution [see *ante*, p. 419].

Caution for Tom Armstrong and two others.

Caution by Johnne, Earl of Mortoun, Lord Maxwell, for the entry of Thom Armstrang and Abye Armstrang of the Gyngillis, and Johnne Batie of the Scoir, under a penalty of £1000 for each.

Dalkeith, 26th May.[1]

Sederunt—Esmeus, Dux Lennoxie; Jacobus, Comes de Arrane; Jacobus, Comes de Glencarne; Hugo, Comes de Eglintoun; Williel-

[1] There is a gap of six weeks, it will be observed, between this minute and the last. A note of what had occurred in the interval is necessary:—On the 24th of April a General Assembly of the Kirk had met at St Andrews, with Mr Andrew Melville as Moderator, chosen to that post for the second time, on account of the gravity of the crisis between the Court and the Kirk in the matter of Mr Robert Montgomery and the Bishopric of Glasgow. Montgomery having appeared before the Assembly, as cited, but in a contumacious mood, the Assembly had found his suspension by the Presbytery of Stirling valid, and were proceeding farther against him, when Mr Mark Ker, the Master of Requests, delivered to them a letter from the King, charging them, in terms of the late Act of Council, (*ante*, p. 476), to desist from such interference with his Majesty's jurisdiction. They were proceeding nevertheless, when there came a second message, by an officer of arms, in the name of the King and Council, charging them more peremptorily to desist, under pain of rebellion and horning. Still the Assembly persisted; and, after farther evidence as to the conduct of Montgomery generally, and in the matter of the bishopric in particular, he was deprived of his ministerial office during the will of the Assembly. Excommunication was to follow; but at this point, "to the great admiration and contentment of the Assembly," Mr Montgomery yielded. He appeared in the Assembly tearful and penitent; confessed himself wrong in every point; and promised that he would meddle no farther with the bishopric, nor with anything else, without leave and direction from the Assembly. The result was that excommunication was not pronounced upon him, but powers were left with the Presbytery of Edinburgh to excommunicate him should there be occasion. Besides this process against Montgomery, there were various discussions and Acts by the Assembly in opposition to the Kirk policy of the Court; while the subject was also treated very boldly in sermons by individual ministers.—On the 9th of May, the King having then gone to Arran's house at Kinneil, commissioners from the late Assembly waited on him, Lennox, and Arran. The King "heard them courteouslie;" but Lennox and Arran "fell out in outrageous words against them."—Montgomery's submission had not lasted long. "How soon he returned to the Court," says Spotswood, "and perceived the King's countenance cast down upon him for that he had done, he undertook of new to settle himself at Glasgow, and had letters from his Majesty to the gentlemen of those parts to assist him. At his coming to Glasgow with purpose to preach the Sunday following, a number of the students of the Colledge entered into the church on Saturday at night, and, excluding him, did keep the chair for Mr Thomas Smeaton, their principal; who, taking for his theme that saying in the Gospel, '*He that enters not by the door, but by the window, is a thief and a robber*,' inveighed against the Bishop for his simoniacal entry, and the levity he had shewed in all his proceedings." Smeaton and another Glasgow minister had come to Edinburgh on the 22nd of May, to report Montgomery's relapse and the new commotion in Glasgow on the subject; and it was in these circumstances that the Council had met for its present sitting on the

Acta 1581–85.

mus, Comes de Gowrie; Commendatarius de Dumfermling; Commendatarius de Newbottle; Clericus Registri; Computorum Rotulator; Clericus Justiciarie; Advocatus.

New order against armed convocation at Justice Courts or in the King's presence, with special application to the Earl of Morton and Johnston of that Ilk.

Notwithstanding sundry Acts of Parliament and Privy Council "prohibiting oure Soverane Lordis liegis of all making of convocatioun and reparing to justice courtis armit, as alsua bearing, wearing, and using of culveringis, daggis, pistolettis, and utheris ingynes of fyrewerk" [*see* vol. ii. pp. 1, 703, 706, and *ante*, p. 175], the practice has been kept up by some of coming so armed not only to courts of justice, but also "to his Majesties
Fol. 21, a. awin presence." It is now, therefore, ordered that proclamation of the said Acts be made at the market crosses of the chief burghs, charging all, under the penalties of the Acts, to be rigorously executed, "that nane of thame tak upoun hand to mak convocatioun of his Majesties liegis, or to repair to the saidis courtis, or to his Hienes presence, armit bot in sober and peciable maner with sword and quhingar, or to invaid or persew utheris in thair cuming to the saidis courtis, remaning thairat, and departing thairfra." Farther, and more particularly, "becaus it is understand to his Majestie and the saidis Lordis of his Previe Counsale that Johnne, Erll of Mortoun, Lord Maxwell, on the ane part, and Johnne Johnnstoun of that Ilk, on the uther part, intendis ayther of thame to mak convocatioun of his Hienes liegis, and to repair with thame armit to ane day of law appointit to be haldin within the tolbuith of Edinburgh upoun the last day of Maii instant," officers are to command both the said parties to repair to the appointed place on the appointed day, "ayther of thame not exceding the nowmer of xxiiii personis in thair cumpany, in quiet and peciable maner, quhairthrow justice may the bettir proceid, to the satisfactioun of the party offendit unto," under pain of having the statutory punishment executed upon them without favour.

Order for repaying Mr Alexander Mauchan, advocate, a sum he had lent the King.

Alexander Clerk of Balbirny, late tacksman of the cunyiehouse, and his partners, being no longer liable for payment of the sums lent by several advocates of Edinburgh to the King, the master of the cunyiehouse is ordered to coin for Mr Alexander Mauchan, advocate, creditor for 1000 merks, as much foreign gold and silver as he shall bring to the cunyiehouse, "ay and quhill the frie proffite thairof, according to the Kingis Majesties price of bying and outgeving, extend to the said sowme of ane thowsand merkis" [see *ante*, pp. 393, 470].

The suspension of actions against the Collector-General of thirds not to extend to the keeper of Dumbarton Castle.

Order that the supersedere of actions against Adam, Commendator of

26th. Though there is no minute of any reference to Montgomery's business at this sitting, it must have been in the minds of the Council. The business, indeed, must have been much before the Council, or of some of their number, in meetings through the previous six weeks, though, in consequence of the gap in the Register between April 16 and May 26, we know nothing directly of those meetings, and have had to cull from Spotswood (pp. 318, 319) and Calderwood (iii. 598, 619) the facts necessary to explain the connection of the Council's proceedings.

Cumbuskynneth, collector-general of the superplus of thirds, granted March 6, 1581–82 [*ante*, p. 458], "sall not extend for suspensioun or superceding of the execution of ony decrete or lettirs purchest or to be purchest be Esme, Duke of Lennox, Erll Darneley, Lord Torboltoun, Dalkeith, and Aubigny, Capitane of the Castle of Dumbertane, for payment of the sowme of fyve hundreth and fiftie merkis assignit and appointit to be yeirlie payit for the keping of the said castell." Acta 1581–8

Dalkeith, 12th June.

Sederunt—Ut in die predicto.

The Justice-Courts at Dumfries and Jedburgh prorogued to the 2nd of August.

Though [*cf. ante*, p. 448] "thair wes laitlie justice courtis proclamit to be haldin at Drumfreis and Jedburgh upoun the xxv day of Junii instant, quhilk now schortlie approcheis," yet, "howbeit the personis indytit and to be persewit in the saidis courtes be not yet arreistit, nather can thay be lauchfullie and dewlie warnit and arreistit to the same courtis be ressoun of the schortnes of tyme and uther caussis and impedimentis," the King, with advice of his Council, has therefore "thocht gude to continew the saidis courtes unto the secund day of August nix to cum." Proclamation to that effect is ordered "at the mercat croces of Jedburgh, Hawick, Drumfreis, and utheris places neidfull." Fol. 21, b.

Edinburgh, 21st June.

Caution for Alexander Lawson and John Douglas.

Caution by Harie Stewart, younger, of Cragyhall, in 100 merks each, for Alexander Lawsoun, and Johnne Douglas, skinner, in Edinburgh, that they shall not "ressett, supplie, nor intercommoun be word or write" with any of the "declarit tratouris, forfaltit and now remaning furth of this realm, or ony personis that ar presently or salbe heirefter knawin servandis or messingers direct from thame," and that, in case of their being "doutit or suspectit thairof," he shall enter them in the tolbooth of Edinburgh, when required, upon fifteen days' warning, "thay being within this realme."

Edinburgh, 22nd, 23rd, 26th, 28th and 29th June.

Cautions for a number of other persons.

Cautions, exactly like the last, as follows:—By George Lyndsay, hatmaker, burgess of Edinburgh, in 100 merks for Johnne Broun, stabler, in Edinburgh; by Thomas Cant of Scangelegrange, in £500, for Johnne Moffet, the said Johnne and Robert Moffett of Crymptra, becoming bound to relieve the surety of the premisses, and David Moysie, notary, subscribing for the parties, "becaus we can not write;" by George Douglas of Rumgawye, in £1000, for Archebald Douglas, brother-german of Robert Douglas of Corschogill; by Johnne Boyd of Boneschaw, in £500, for James Boyd of Kippis; by Robert Abircrumby, burgess of Edinburgh, for James Douglas, younger, of Halthornedane, in £500, and for David Donyng, saddler, burgess of the said burgh, in 200 merks, David Moysie, notary, subscribing for David Dynnyng; by James Johnnstoun of Elphingstoun, in £1000, for Johnne Johnnstoun, merchant, burgess of Edinburgh, his brother. Fol. 22, a.

Acta 1581–85. *Sederunt*—REGE PRESENTE—Esmeus, Dux Lennox; Jacobus, Comes de Arrane; David, Comes de Craufurd; Andreas, Comes de Rothes; Perth, 11th July.[1]

[1] One again remarks the rarity of the recorded meetings of Council during six weeks of unusual excitement about Kirk affairs, and unusual activity of the King, Lennox, and Arran, in the name of the Council, in connection with them. Since the meeting of May 26 only seven meetings are recorded, viz., on June 12, 21, 22, 23, 26, 28, and 29, and the minutes of business at these are singularly meagre. Perhaps this was because the King was at this time amusing himself either at Lennox's seat at Dalkeith or at Arran's at Kinneil, and business was transacted for him by Lennox and Arran without regular Council meetings and minutes. At all events, it is from other sources than the Register of Council that we gather the following facts, some of them belonging really to the history of the Council itself:—On May 23, Mr John Durie, Mr James Lawson, and Mr Walter Balcanquall, three of the ministers of Edinburgh, had been called before the Council at Edinburgh, the King and Duke absent, but Arran present, to answer for sermons of theirs on the business of the Glasgow bishopric and on the state of the Court generally. A large number of the citizens of Edinburgh accompanying them to Holyroodhouse, the Council had thought it best to dismiss them. On the 30th of May, however, Durie, Lawson, and another minister, Mr David Lindsay, had been summoned to Dalkeith, where they had been roughly received, and charge had been given to Durie to remove from Edinburgh. In obedience to the charge, reinforced by a charge the next day to the Provost and Magistrates of Edinburgh to see him removed, he had left Edinburgh on the 2nd of June. On the 8th of June the Presbytery of Glasgow had been summoned before the Privy Council to answer for their continued opposition to the admission of Montgomery to the Glasgow bishopric and for the riots among the Glasgow students in their support. On the 9th of June the Presbytery of Edinburgh had met to exercise the power of excommunication against Montgomery deputed to them by the late General Assembly; and on Sunday the 10th of June the sentence of excommunication had been duly pronounced by Mr John Davidson in the Church of Liberton, near Edinburgh. In the following week the intimation of the sentence, repeated in many pulpits, had run through the land. On the 27th of June the General Assembly of the Kirk had met for an extraordinary session in Edinburgh, Andrew Melville continued in the Moderatorship. Durie had returned to Edinburgh to take the advice of this Assembly; and, after his case had been discussed, and it had been agreed that he should not depart till again formally charged by the magistrates, he had, on receiving such a charge, again publicly departed, leaving his protest at the market cross, and accompanied to the outskirts of the town by an admiring and sorrowing crowd of his brother-ministers and others. The Assembly had also instituted proceedings of ecclesiastical censure against those who had abetted Montgomery or held intercourse with him since his excommunication, including the Duke of Lennox himself; and they had drawn up a list of fourteen specific "Greifs" or grievances, to be presented to the King and his nobility by Andrew Melville, Pont, Lawson, Smeaton, and a number of other Commissioners of Assembly in name of the whole Kirk. On the 2nd of July, in reply to all this courage of the clergy, there had been public proclamation in the King's name at the cross of Edinburgh of Mr Robert Montgomery's legal institution in the bishopric of Glasgow, with declaration that his excommunication was null.—The Court had by this time removed to Perth; and it was there, on Friday the 6th of July, that Melville and the other Commissioners from the General Assembly had presented the fourteen grievances of the Kirk to the King. The meeting at which they were presented was not an ordinary meeting of Council, but an Assembly of the Nobility, or Convention of Estates, though there is no record of it by that name or by any other in the Council Register, nor among the Conventions noted in the printed Acts of Parliament. The scene is thus described in the Autobiography of James Melville, Andrew Melville's nephew, who was in Perth at the time:—"At last the Commissionars of the Kirk war callit; wha, coming in befor the King and his Counsall, delyverit thair greiffes and Articles; quhilk being read, Captan James [*i.e.*, Arran] beginnes to threttin, with thrawin brow and bosting langage. 'What!' sayes he, 'wha dar subscryve thir treasonable Articles?' &c. Mr Andro answeres, 'We dar, and wil subscryve tham, and gif our lyves in the cause; and witheall starts to, and taks the pen fra the clark, and subscryves, and calles to the rest of the breithring with couragius speitches; wha all cam and subscryvit. This bauldness when the Duc and Captan perceavit, they gatherit thairon that the Kirk haid a bak [a strong support

Willielmus, Comes de Gowry; Joannes, Comes de Mortoun; Jacobus, Dominus de Doun; Robertus, Commendatarius de Dumfermling; Clericus Registri; Computorum Rotulator; Clericus Justiciarie; Advocatus. Acta 1581–85

"A charge upoun the Studentis of Glasgow," for riots in opposition to Montgomery, the Bishop designate.

On the 22nd of April last, as the King and Council have been informed, "Edward Cunynghame, sone to Johnne Cunynghame of Drumquhassill, Archebald Campbell, sone to the provest of Kilmune, Andro Colquhoun, sone to Johnne Colquhoun of Kilmardony, William Johnnstoun, sone to umquhile James Johnnestoun of Kellobankis, Archebald Spittell, Maister Robert Darroch, Maister Patrik Malvile, Alexander Schaw, William Cunynghame, burges of Glasgow, and divers utheris thair complices, with convocatioun of oure Soverane Lordis liegis, to the nowmer of fouretie personis, all bodin in feir of weir, with jakkis, steilbonettis, hagbuttis, pistolettis, prohibeit to be worne be Actis of Parliament and Secreit Counsale, of the speciall hounding, causing, command, and ratihabitioun of Maister Thomas Smetoun, principall of the College of Glasgow, Maisters Petir Blakburn and Blais Lawrie, regentis thairof, Maisters Andro Hay, rector, Andro Polwort, dene of facultie, Maister David Wemys, pretendit persoun of Glasgow, Maister James Flemyng, minister at Kilbryde, Maister Patrik Scharp, maister of the grammer scule of Glasgow, and of divers utheris of the College and of the Presbiterie thairof, come and enterit be leddirs in the revestrie of the Hie Kirk of Glasgow, and detenit the same be force of armes the space of sex houres or thairby, of mynd to have attemptit sum uther heich interpryse, to the troubling of the gude and quiet estate of the cuntrie."—The King, "being desyrous to have sure and bettir informatioun be the depositionis and declaratioun of sic personis as best knawis the veritie thairin," orders letters to issue charging the persons following [whose names however are not given], under pain of rebellion, to appear before the Council on the 10th of September next, and also warning all the accused persons abovementioned, except the last, to appear at the same time and hear and see the evidence taken. Further, it is ordered by the King, with advice of the Council, that Master Thomas Smetoun, Principal of the College of Glasgow, and the other seven persons above mentioned as having caused and hounded on the riot, together with William Cunynghame, burgess of Glasgow, the last named of those accused as having been in the riot,—"quhilkis were personalie present befoir his Majestie and the saidis Lordis, and denyit that thay wer ayther art or part of the former offence, or yit that the samin wes onywyse done be thair hounding, causing, command, or ratihabitioun,"—shall also appear before the Council at the said day, "be thameselffis, or ony tua of thame

somewhere], and becam effrayit; and, efter sum calmer langage, dimissit tham in peace."—All this, told in Calderwood (iii. 620–631, and Appendix viii. 220–224), and partly in the Autobiography of James Melville (128–133), is to be supposed as having happened before the present recorded meeting of Council at Perth on the 11th of July.

Acta 1581–85. Fol. 22, b.

haveand commissioun for the uther thair colligis," to hear the same evidence.[1]

Sederunt—Ut in die predicto.

Perth, 12th July.

Lord Innermeath against Lord Drummond.

Complaint of James, Lord Innermeith, as follows:—He and his predecessors, "past memor of man, hes bene heritablie infeft in the office of coronelschip of the schirefdome of Perth with the proffites and feis of the same." In the month of June last, however, "Patrik, Lord Drummond, hes stoppit the said James, Lord Innermeith, his officiaris and servandis, in the executioun of his rollis direct to him to be execute upoun personis indytit to this present justice court of Perth; deforcit James Keir, his officiar, in the executing of the saidis rollis; tuke him oppinlie at the croce of Dumblane, and reft and spuilyeit his rollis fra him and withhaldis the samin as yit; injurit and menassit him, and stoppit him fra further executioun of his office, to the great hinderance of his Hienes service: committit be James Drummond in the Castell of Ochtirardour, Andro Drummound in Strageycht, George Gawy (Ogilvie?), *alias* Drummond, and Alexander Smyth, officiar to the said Lord Drummond, with thair complices."—Charge having been given to Lord Drummond and his four accomplices to appear and answer, and "baith the saidis parteis comperand personalie," the Lords, "understanding that the porteous and rollis of the last justice air of the schirefdome of Perth wes deliverit be oure Soverane Lordis Justice-Clerk for the tyme to umquhile , Lord Drummound, father to the said Patrik, now Lord Drummound, to be execute, lyke as the samin wes execute be him, ordanis thairfore the said Patrik, Lord Drummound, to continew in the possessioun of using of the said office of coronelschip during the tyme of this present justice air and in tyme cuming, ay and quhill he be lauchfullie callit and orderlie put thairfra be the law." Accordingly, "without prejudice of ayther of the saidis parteis rychtis and titillis," they remit the matter to the Lords of Session or other judges competent.

Complaint of Colin Shaw, presented by the Duke of Lennox to a "beidmanschip" of the hospital of the college kirk of Dumbarton.

Complaint of Colene Schaw, as follows:—The Duke of Lennox, "patroun to ane beidmanschip of the hospitale of the college kirk of Dumbertane, vacand be deceis of umquhill Michaell Dauld," having lawfully presented the complainer to the said beadmanship, he had obtained his Majesty's charge to Cuthbert Cunynghame, provost of the said college kirk, to "gif him institutioun," and to answer him of "all fruites and deweties thairof ay sen the dait of the said presentatioun." The said Cuthbert had not only "contemptuuslie dissobeyit," but also "detenis and abstractis fra the

[1] One of the "griefs" presented to the King five days before by Andrew Melville and the other Commissioners of the Kirk had been the harsh treatment of the students of Glasgow, even to arrest and bloodshed, for their support of the Principal and Professors of the University in the Montgomery case; and among the Commissioners who had presented the "griefs" were four of those officials of the University who are accused in the present entry—to wit, Smeaton, Hay, Blackburn, and Polwart.

said compliner the said charge, mynding thairby alluterlie to depauperat him."—Charge having been given to the said Cuthbert Cunynhame to appear and answer, and "the said Esme, Duke of Lennox, comperand personelie for his awin interes as patroun of the said provestrie and als as procuratour for the said Colene Schaw, and the said Cuthbert Cunynghame being oftymes callit and not comperand," the Lords "decernis and ordanis the said Cuthbert Cunynghame to ressave the said Coline Schaw to the said beidmanschip and to caus him be answerit of the fruites and deweteis thairof according to the said presentatioun and gift past thairupoun, and that letters be direct to this effect, gif neid be, in forme as efferis." Acta 1581–8

Perth, 12th July.[1]

Sederunt—Esme, Duke of Lennox; Jacobus, Comes de Arrane; Joannes, Comes de Montrois; David, Comes de Craufurd; Andreas, Comes de Rothes; Willielmus, Comes Gowry; Joannes, Dominus Ogilvie [deleted]; Jacobus, Dominus de Downe; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Advocatus. Fol. 26, b.

Purgation of the King and the Duke of Lennox from rumours that they meditate a defection from the Kirk and true religion and a return to Papistry: Proclamation to be made of the same.

"Forsamekle as oure Soverane Lord and the Lordis of his Secrete Counsale ar surelie informit that of lait sindre maist fals and untrew bruites and informationis ar maid and dispersit throw this realme be sum personis, his Hienes unnaturall subjectis, movit and sterit up be the spirite of unquietnes and seditioun, alswele previlie persuading as publictlie declamyng that his Majestie, movit or ellis seducit be sum of his Counsale aganis his awin mynd and inclinatioun, wes inducit to consent that the trew religioun teachit and professit within this realme suld be subvertit, Chrystis Kirk plantit thairin changeit, alterit, or rather removed, and in place thairof Papistre to be erectit, the maist abhominable superstitioun and ydolatre of the mes to be agane ressavit: All this tending rather to ane seditioun and commotioun of his Hienes faithfull subjectis then to ony edificatioun of Chrystis flok; meanyng thairthrow, as apperis, for sum thair particularis, to disquiet his Majesties estate, the trew religioun of Chryst professit and his Kirk plantit be his awin richt hand, and to bring, sa far as in thame is, contempt and dissobedience baith of the law of God and man; quhairthrow it mon be belevit that the gevaris out of sic fals bruites sekis na uther thing bot change of authoriteis and trouble of com-

[1] This important entry is out of its proper place in the Register, where it is not inserted with the two preceding entries of the same date, 12th July, but comes by itself after the entries of the 28th of July. It is to be observed also that the sederunt connected with this entry does not correspond with the sederunt for the two preceding entries of the same 12th of July. "*Sederunt ut in die predicto*" is the heading over these two entries (see *ante*, pp. 489–90); but in the sederunt now given for *this* entry the King does not appear, nor Morton, nor the Commendator of Dunfermline, while the Earl of Montrose is given as present, and also Lord Ogilvie, though his name is afterwards deleted. Was there a separate meeting of Council for this proceeding on the 12th of July; or was the minute of this proceeding, though belonging to the ordinary meeting, accidentally postponed, and the sederunt then inserted from general recollection or guess?

Acta 1581-85. moun peace, all to evaid puneisment of thair and thair confiderattis offenssis committit aganis our said Soverane Lord and his lawis: And, althocht the saidis bruites and reportis be gevin furth maist falslie, yit ar the same divulgat under cullour of Religioun and title and name of the Kirk, to persuaid the simple multitude (as maist subject to change and mutabilitie) that the samin is done upoun zeale of thair obedience to God, quhom thay with all the people ar bundin rather to obey then to obey man. Quhairunto this tendis, in the mouthis of sic troublesum, seditious, and unquiet spirites, fearing puneisment for thair enormiteis and offenssis knawin to our Soverane Lord and his Counsale, his Hienes doubtis not bot his gude and faithfull subjectis ar able anewch to persave,—Sathan with his members being discoverit (quha can transforme himself in ane angell of licht) remaning alwyse in all his actionis enemie to Chryst and to all his faithfull members, and from the begyning hes nevir prevalit aganis ony thairof, bot be disseitt, falsett and leis, as of the haill historie of the Buke of God is easie to learne. And in all thair seditious bruites and ungodlie persuasionis (to stere his Hienes gude subjectis in his contempt to neglect thair obedience and dewtie aucht to his Majestie) thay speke, report, and esteme of his Hienes as of ane being ather ignorant—ane idiot, and cairles of religioun and commounwelth of the realme—or ellis that his Hienes is forcit and compellit aganis his will, as being thrallit and captive to do ony thing not seaming pleasant and acceptable in thair cais,—the forme of speitche and wordis usit in all aiges to induce and provoke gude subjectis to contempt and rebellion aganis thair Soverane princes and lauchfull magistrattis: howbeit, God be praysit, thay can nawyse justlie in thir causes burding his Hienes, having gevin sufficient prufe to the warld of the contrary. Quhairfore, oure Soverane Lord, with advise of the Lordis of his Secrete Counsale, commandis and chargeis all and sindre erlis, lordis, baronis, ministers, and utheris his Hienes lieges quhatsumevir, that thay desist and ceis fra all publisching, preaching, reporting, or affirming of sic fals bruites and manyfest leis as ar befoir mentionat, be the quhilkis his Majestie and his Counsale ar maist untrewlie accusit; certefeing thame and everie ane of thame that dois in the contrar that thay salbe callit, accusit, and puneist thairfore with all rigoure, according to the Actis of Parliament and lawis of this realme. Attoure, be thir presentis, oure said Soverane Lord, with advise foirsaid, declaris and makis manyfest that his principall cair and affectioun is to the glorie of God, the continewance of trew religioun teachit and professit and Christis kirk plantit within this realme; quhilk his Hienes professis with his haill heart, and sall, God willing, mantene with all his pouer to his lyffis end, and sall not suffer ony uther Name, Kirk, or Religioun to be professit bot the Name, Kirk, and Religioun of oure Maister and Savioure, Chryst Jesu, ressavit, confirmit, and estableschit be the lawis and ordinances of Parliament be the advise of the haill Estates: detesting and abhorring all kynd of ydolatrie, superstitioun, papeistre, or uther infidelitie quhatsumevir, with all kynd of fals and hypocriticall religioun not contenit in the Buke of God. And this his

Hienes protestis solempnitlie befoir God, his deare sone the Lord Jesus Chryst, with his Halie Spreit, and his Majesties gude subjectis his members, with his haill heart and mynd, in dew and faithfull obedience to our God and reverence aucht to his trew Kirk rewlit be his Word and Halie Spreit. Quhilk declaratioun his Hienes makis of the tender luif he beris to all his faithfull and gude subjectis: exhorting thame na utherwyse to be persuadit be the gevaris furth and procleamers of sic fals bruites, and that thay be not movit to ony conventionis or assembleis, under quhatsumevir title or names, quhairby thay may gif occasioun or offence to oure said Soverane Lord or his lawis (except his Hienes advise and directioun be had thairto): certefeing thame that dois in the contrar that thay salbe haldin, repute and puneisit as makers of convocatioun of his liegis, disquietters of commoun peace, rebellis, and enemies to his Hienes, his authoritie and lawis. And, becaus it is cumin to his knawlege that, be the saidis disquietaris of the commoun peace, rumouris ar publischit that his dearest cousing, Esme, Duke of Lennox, etc., suld be ane counsaloure and deviser to his Hienes in the premissis, presentlie of the erecting of Papistre and abolesing of the trew Religioun,—quhilk he hes subscrivit with his hand, sworne in the presence of God, approvit with the holie actioun of the Lordis Table, lyke as he is ready to seill the samin with his blude,—his Hienes thairfore, with avise of the Lordis of his Secrete Counsale foirsaid, hes thocht expedient to publeis to all his faithfull subjectis the malitious falsett of the calumpnies laid and publisched aganis his Majesties said cousing, his faithfull and constant abyding in the trew religioun of Chryst professit within this realme, his debtfull obedience to our Soverane Lord, his authoritie and lawes, and cair and diligence in the preservatioun of his persoun, with all uther virtewis requirit in ane trew counsalour and obedient subject, that nane of his faithfull subjectis be moved or animat aganis his said cousing be the fals bruites gevin out be sic seditious personis, enemeis to his Hienes, his said cousing, utheris his faithfull counsalouris, haill estate and commounwelth of this realme. Quhairfore his Hienes ordanis letters to be direct to herauldis, pursevantis, maseris, and utheris officiaris of armes, schireffis in that part, chargeing thame to pas to the mercat croces of all burrowis and to all paroche kirkis within this realme, and thair be oppin proclamatioun mak proclamatioun and intimatioun heirof, that nane pretend ignorance of the same."[1]

Acta 1581-

Fol. 27, a.

[1] This "purgation" of the King and the Duke of Lennox of all designs against the Kirk and the true religion was duly proclaimed on Monday the 16th of July 1582; and a copy of it, as so proclaimed, will be found in Calderwood (vol. iii. Appendix F), beginning—"James, by the grace of God, King of Scots, to our lovits, messingers, and our shireffs in that part, conjunctlie and severallie, speciallie constitut, greeting:—Forsameekle as," &c. and ending "Givin under our signet, at Perth, the 12th day of July, and of our raigne the 15th yeere, 1582. *Per actum Secreti Consilii.*" As the wording of the Purgation as thus given in Calderwood is somewhat more modern than that of the Council minute, it has been thought proper to print the entire document anew from the latter.

Acta 1581–85. *Sederunt*—Ut in die precedente. Perth, 13th July.

Fol. 23, a. Complaint of Johnne Ramsay in Wester Bynnie, as follows:—"Robert Bruce of Bynnie, elder, Robert Bruce, younger, Alexander and James Bruce, alsua his sonnes, be thameselffis, thair complices, servandis, assisters, allya, partakers, and utheris in thair names, of their causing, sending, hounding, command, assistence, and ratihabitioun, hes continewallie be the space of fyve yeris last bypast cruellie, maisterfullie, and wranguslie opprest the said compliner be way of deid, being thair pure tennent, quha mycht nor culd not resist thame." After many injuries and oppressions committed by them, "sic as eitting and distroying of his cornis and gres be thair bestiall, lying at await for his slauchter, umbesetting of his gait, chaissing of him with ane drawin quhingar from his pleuch and lowsing of the samin quhen he wes teland his land thairwith," he had been constrained "to tak laborrous" of them; "sen the obtening quhairof they have maist cruellie persewit him, his brother and servandis, for thair bodelie harme and slauchter,—and speciallie the said Robert Bruce, elder, be himself ryning at the said compliner with ane Jedburgh staiff, and had not faillit to have slayne him thairwith, warr not the chance of God and his eschewing throw speid of fute: constraining him thairby to leif his said steding and rowme, quhilk he durst not remane at hame to occupye." After complaint to the King, a letter had been directed to the principal defendant, "willing the said Robert to desist fra all molesting or inquieting of the said compliner;" but, though this letter had been duly presented, "the said Robert Bruce, elder, continewand in his former oppressioun, send furth his sonnes and dochters to the said compliners pleuch, and thair cruellie straik and dang his servandis and catell gangand thairwith." In consequence of a second complaint, his Highness had "directit his closit letter to the said Robert in the said compliners favour, and send William Murray, his Hienes domestik servand, thairwith." There had been no effect; for "the said Robert Bruce, and James Bruce, his sone, at the leist the said James at the speciall command of the said Robert, upoun the twelft day of Marche last bypast, come to the ground of the said mailling, quhair he wes ledand the pleuch in maist sober maner, belevand na harme to have bene done to him, and thair with ane providit steill hammer cruellie straik at the said compliner or evir he wist, of purpois to have slayne him with the same, and, not content thairwith, drew his quhingar and hurt him in the wemb thairwith. And, seing he culd not attane to his purpois, he drew his sword and hurt the said compliner in the handis thairwith, to the effusioun of his blude in great quantitie." Further, on the 4th of April last, the principal defendant had "causit Alexander Bruce, his secund sone, accumpanyit with certane uther musalit men on horsback, in weirlike maner, with pistolettis, swordis, knapskais and utheris wappannis invasive, cum to the ground of the said compliners steding, quhair his brethir, moder, and servandes wer sawing the ait seid, and thair cruellie straik thame with baich strakis,

John Ramsay against Bruce of Binnie.

and maid thame bla and bludie, and owerraid thame with thair horssis, in sic sort that thay causit thame to sweir that thay suld nevir serve the said compliner agane nor labour ony mair that ground thairefter." Not content with this, they had "socht him for his slauchter," and, when they could not apprehend him, had "cuttit the horsis taillis and luggis and haill pleuch and harrow graith, straik the oxin in sic sort that thay causit ilkane owertred uther in the said pleuch and menzie uther in the harrowis, cuttit alsua the sekkis and schetis quhairin the saidis aittis wer, and sa skaillit furth twa laid of aittis, letting the maist part thairof downe the burne." Thus, the principal defendant has "maist wranguslie, cruellie, and injustlie ejectit and put him furth of his said steding, he being kyndlie mailler and possessoure thairof, closit within termes, nevir lauchfullie callit nor orderlie put thairfra be the law: quhair he dar not repair for feir of his lyff, ane part of the samin steding being teillit, sawin, and fair abreid; ane uther part teillit, sawin, and unharrowit, quhairupoun the said Robert haldis his scheip, eittand and destroyand the samin; and ane uther part thairof nather teillit, sawin, nor harrowit; and his cattell and hors deand and periseand at hame for fault of meit and handilling." —Charge having been given to Robert Bruce, elder, and his three sons, Robert, James, and Alexander, to appear and answer, under pain of rebellion, and "the said Johnne Ramsay, compliner, comperand personalie, and the said Robert Bruce, elder, being alsua personalie present, and the saidis Robert Bruce, younger, James Bruce, and Alexander Bruce being oftymes callit and not comperand," the Lords order the three absentees to be denounced rebels and put to the horn and to escheat. Acta 1581–[illegible] Fol. 23, b.

Perth, 20th July.

Sederunt—Esmeus, Dux Lennoxie; Jacobus, Comes de Arran; David, Comes de Craufurd; Joannes, Comes de Montrois; Willielmus, Comes de Gowrye; Joannes, Dominus de Ogilvie; Jacobus, Dominus Downe; Clericus Registri.

Decree confirming the Bishop of Glasgow in all the emoluments of his Bishopric.

The preamble runs thus:—"Anent our Soverane Lordis lettirs direct, makand mentioun that, forsamekle as it is understand to his Hienes that ane reverend father, Robert, Bischop of Glasgow, is lauchfullie and dewlie providit to the said archebischoprik, with all landis, rentis, regaliteis, rowmes, emolumentis, fruitis, teindis, teindschaves, castellis, towris, fortalices, and utheris deweties quhatsumevir, quhilkis at ony tyme heirtofore pertenit or wes of the patrimony of the said bischoprik, alsweill temporalitie as spiritualitie thairof, sen the tyme of the Reformatioun of the Religioun within this realme, as his gift and provisioun thairof beris: Nottheles, the fewarris, firmorirs, tennentis, takkismen, rentalers, and utheris intromettouris with the fruites and utheris deweteis foirsaidis, will on nawyse answer, obey, and mak payment to the said reverend father of the same without thay be compellit."—Charge had been given to "Mathew Stewart of Mynto, knycht, George Elphingstoun of Blythiswod, Ninian Andersoun in Wodsyde, and all and sindre utheris

Acta 1581-85. fewarris, firmorars, tennentis, takkismen, rentalers, and utheris intromettouris with the fruites, rentis, emolumentis, and utheris deweties abonespecifeit, to have comperit befoir his Hienes and the Lordis of Secrete Counsale at ane certane day bypast, to have hard and sene utheris lettirs to have bene direct in maner underwrittin, or ellis to have schawin ane ressonable cause quhy the samin suld not have been done"; and now, the case having been called, and "the foirsaidis personis, fewarris, firmorars, and utheris abonewrittin, being lauchfullie summondit to this actioun and not comperand," the Lords "ordanis lettirs to be direct in all the foure formes, and ilk forme to be execute within xxiiii houris eftir utheris, and the warding place to be in the Castell of Inuernes in cais of dissobedience, chargeing all and sindre fewarris, firmorars, tennentis, takkismen, rentalers," and other intromittors, etc., "to reddelie answer, intend, obey, and mak thankfull payment to the said reverend father, his factoures and chalmerlanis in his name, and to nane utheris, of all and sindre fruites, rentis, emolumentis, teyndis, teindschaves, caynes, custumes, maillis, fermes, proffites and deweties, castellis, towris, fortalices, mylnis, multuris, woddis, fischeingis, and all utheris immuniteis and privilegis pertening and belanging to the said bischoprik, or at ony tyme wes of the patrimony of the samin, alsweill temporalitie as spiritualitie thairof, sen the tyme of the Reformatioun of the Religioun within this realme, of the croppis and yeris of God j^m^l^c^lxxxi, lxxxii yeris instant, and siclike yeirlie in tyme cuming during all the dayes of his lyftyme, conforme to the said gift in all pointis."

Caution for Robert Bruce of Binning.

Caution, in 1000 merks, by Robert Bruce of Byning, elder, as principal, and Alexander Hammyltoun, fiar of Pardoven, as surety, that Johnne Ramsay in Wester Byning, his tenants and servants, shall be harmless of the said Robert in their persons and goods [see *ante*, p. 495].

Perth, 21st July.

Sederunt—Ut in die predicto.

Action of Adam Fullarton, burgess of Edinburgh, for suspension of letters of horning.

Fol. 24, a. In the matter of the action "persewit be Adam Fullartoun, burges of Edinburgh, aganis Johnne Aitchesoun, Robert Abircrumby, William Fairlie, William Neisbett, and certane utheris thair collegis," merchants, whose goods had been "reft and spuilyeit be Englismen, upoun the sey" [*ante*, p. 269 and p. 322].—The action is for production before the King and Council of "letters of horning and executionis thairof, togidder with ane pretendit extract quhairupoun the samin procedit, and the said Adames comptis of all thingis ressavit and debursit be him the tyme of his lait being in England, as thay wer gevin in be him befoir certane auditouris appointit thairto, and as thay have merkit and designit, allowit and disallowit, futit and endit the samin," in order that the said process of horning against Fullartoun may be suspended simpliciter.—"Quhilkis being callit, and the said Adam Fullartoun comperand personalie, and the said Robert Abircrumby comperand alsua personalie, for himself and as

procuratoure for the remanent his collegis foirsaidis," the Lords, "understanding that the said mater wes remittit lang of befoir to the decisioun and jugement of the Lordis auditouris of chekker, befoir quhom notwithstanding the same hes tane na decisioun as yit, partlie throw inlaik of sic a sufficient nowmer as wes requisite for the bettir ordouring and deciding of the same mater, and partlie be ressoun the saidis auditouris quhilkis wer present wer utherwyse occupiit in the Kingis Majesteis awin effaires," decide as follows:—"Remittis the said mater as of befoir to the decisioun of the saidis Lordis auditouris of chekker"; but, "for the bettir expeditioun to be had thairintill," have, with the consent of both the parties, appointed Robert, Commendator of Dumfermling, the King's secretary, Sir Richard Maitland of Lethingtoun, Mr Robert Pont, provost of Trinity College, beside Edinburgh, and Mr David Makgill of Neisbit, King's advocate, as coadjutors in the matter with the said Lords auditors, ordaining these four to be warned by the macer of Council to be present with the said Lords auditors for determining the matter at Edinburgh on the 8th of August next. Acta 1581

Perth, 26th July.

Sederunt [not recorded].

Justice Courts at Dumfries and Jedburgh farther adjourned to the 20th of October.

Although the time is now near to which the Justice Courts at Drumfreis and Jedburgh had been deferred, viz., the 2nd of August [see *ante*, p. 488], yet, "it being considerit that, besydis the ordinar forme of persute be justice, necessar it is that sum force be alsua preparit and direct for repressing of sic be way of deid as sall absent thameselffis fra justice and be declarit fugitives efter the saidis courtes," and his Majesty, with advice of his Council, having, to this effect, directed James, Earl of Arran, to the West Borders at Drumfreis, and Johnne, Earl of Montrois to Jedburgh, each as his Majesty's lieutenant, on the 20th of October next, "unto the quhilk day, it is alsua thocht gude, concludit and ordanit that the saidis justice courtes salbe continewit," it is now ordered that proclamation of the same be made at the proper market crosses, commanding and charging at the same time all the lieges between sixty and sixteen years of age and other fencible persons "within the boundes of the schirefdomes of Drumfreis, Wigtoun, Air, and Lanerk, baillieries of Kyle, Carrik, and Cunynghame, and stewartreis of Kirkcudbricht and Annanderdaill," and also "within the boundis of the schirefdomes of Linlithgow, Edinburgh principall, and within the constabularie of Hadingtoun, Berwick, Roxburgh, Peobles," to assemble, "weill bodin in feir of weir, with threttie dayes victuall and provisioun," for the service of the said lieutenants at Drumfreis and Jedburgh on the said 20th of October, "under the pane of tynsale of lyff, landis, and guidis."

Act exonerating "the pertiners of the cunyie.

Preamble recites the Act of Parliament [1581, c. 10, iii. 215], ordaining that the "lait cunyie of sextene, aucht, foure, and twa schilling peces suld be reducit and imbrocht to his Hienes cunyehous be Alexander Fol. 24, b.

Acta 1581–85. Clerk of Balbirny, provest of Edinburgh, William Naper of Wrichtishoussis, Nicoll Uddart, Henry Neisbit, Richard Abircrumby, Robert Abircrumby, burgessis of the said burgh of Edinburgh, Thomas Aitchesoun, maister of oure Soverane Lordis cunyie, quha had thre yeris takkis thairof; quhilkis takkis, be the said Act of Parliament, wer declarit to be of nane avale in all tyme thairefter, allowing alwyse that quhilk thay have done be virtew of the saidis takkis befoir the charge of the reductioun and ressait of the said new cunyie wes gevin to the saidis William Naper and Thomas Aitchesoun; quha wer obleist to ressave the said new cunyie for the prices for the quhilk the samin wes gevin furth, and to reduce the samin to fourtie schillingis the unce, betuix the dait of the said Act of Parliament and the xi day of Marche nixt thairefter, in the yeir of God j^{m}v^{c}lxxxi yeris" [*i.e.*, March 11, 1581–82].—By Act of Privy Council this day had been "prorogat to the first day of Julii next thairefter" [*ante*, p. 463]; and now, the King and Council "hes taken perfyte tryall that the saidis pertiners of the cunyie be virtew of the said tak hes, be the saidis William Naper and Thomas Aitchesoun, speciallie depute thairto, reducit and ressavit all the said new money quhilk wes presentit unto thame befoir the said first day of Julii, and that yit thair restis unreducit of the said new cunyie quhilk past the irnes the nowmer of thre scoir ane stane wecht, remanand yit in the handis of oure Soverane Lordis liegis, and in nawyse offerit nor presentit to the saidis pertiners befoir the said first day of Julii." Moreover, the King and Council understand that "the saidis pertiners hes satisfeit his Hienes dearest cousing and counsalour, Esme, Duke of Lennox, Lord Darneley, Lord Torboltoun, Dalkeith, and Aubigny, heich and great chamerlane of his Majesties realme, his donatour, not only for the proffite of the said thre scoir ane stane wecht not reducit, bot of all proffite and commoditie quhilk our said Soverane Lord and his Hienes thesaurar mycht ony wyse ask, cleame or repeit fra the saidis pertiners, be ressoun of thair assedatioun of the said cunyie, or ony melling or intromissioun thairwith, ayther afore the said Act of Parliament or sensyne." Therefore the King, with advice of his Council, "grantis him to be sufficientlie satisfeit and payit of all proffite and commoditie quhilk his Hienes mycht crave fra the saidis pertiners of the said cunyie, alsweill be ressoun of the said reductioun as of the said quantitie of money not reducit, and for the superplus or excrescens of the heichar prices of the said new cunyie quhilk past the irnes, or for quhatsumevir uther cause quhairby the saidis pertiners mycht be chargeit for ony commoditie or proffite be his Hienes. And, in respect of the said payment and satisfactioun maid to his Hienes said richt traist cousing and counsalour, his Hienes, with advise foirsaid, declaris the samin to be als sufficient as gif the said payment and satisfactioun had bene maid to his Hienes self or his thesaurer in his name, and as gif the said haill new cunyie had bene imbrocht and reducit as said is efter the forme and tennour of the said Act of Parliament, dischargeand the saidis pertiners, thair aires, executouris, and assignais, and all utheris haveand

interes thairof for now and evir." It is also declared that "the saidis pertiners of the foirsaid cunyie" have faithfully discharged their duty according to the assedation made them, "ay and quhill the samin wer declarit of nane avale, and sensyne be reductioun of samekle of the said cunyie as to thame wes presentit befoir the first day of Julii," and further, that they "ar not nor sall not be obleist to ressave ony mair of the said new money to be reducit as said is, becaus the samin wes not offerit nor presentit unto thame within the tyme contenit in the proclamationis maid thairupoun." The King promises *in verbo regis* that an Act to the effect of this Act of Council shall be made in next Parliament. Acta 1581–8

Commissions to Lord Doune, the Earl of Crawfurd, the Earl of Rothes, and Lord Hume, to hold Justiciary Courts.

"Forsamekle as oure Soverane Lord, understanding that thir divers yeris bygane his Majesties peciable gude subjectis ower all his realme hes bene troublit havelie with bludescheid, stowth, reiff, maisterfull oppressionis, convocationis and utheris enormiteis, to thair great hurt and skaith, without redres or puneisment of the offendouris, be ressoun the onlie criminall justice in use wer the dayes of law commounelie appointit in Edinburgh, quhilkis wer not grantit bot for capitall crymes recentlie done [and] at the instance of sic as hes pouer and substance to prosequute thair caussis, the purest sort still suffering wrangis without redres be order of justice, seing the same had bene sa coistlie and sa far distant fra thame, for remeid quhairof, hes appointit courtes of justiciaire to be haldin ower all partes of his realme during the tyme of this nixt vacance in the monethis of August, September, and October, be his Hienes justices and commissioners speciallie appointit to that effect, electit of the nowmer of the Senatoures of his College of Justice and utheris personis of gude jugement and experience in the lawes and practik of the criminall justice of this realme: Notwithstanding, his Majestie, upoun speciall considerationis moving his Hienes, hes ordanit, and be the tennour heirof ordanis and commandis, his richt traist cousing and Counsalour, Colene, Erll of Ergile, Lord Campbell and Lorne, his justice-generall, and Sir Lues Bellenden of Auchnoule, knycht, clerk of his Hienes justiciarie, to grant and direct speciall commissionis under the seill of the office of justiciarie:—[1] to his traist cousing James, Lord Downe, stewart of Menteith, and certane his collegis, for doing of justice upoun all personis inhabitantis within the boundis of the said stewartrie of Menteith, and all and sindre landis, rowmes, and boundis pertening and that at ony tyme hes appertenit thairto,—that is to say the landis of Auchinlawick, Annetis; the landis of Argades and Reidnoch, pertening to Patrik Hume; the haill landis pertening to the Lard of Musschett within the schirefdome of Perth, exceptand sa mekle onlie thairof as is annext to the schirefdome of Dumbertane; the sex merk land callit Erigane lyand within Strathyre, pertening to Hary Stewart, secund sone to the said Lord of Downe; and the haill landis pertening to William Schaw of Knokhill, as alsua to his weilbelovit Mr Johnne Grhame of Halyardis and certane utheris his collegis, off the erldome and haill cuntrie of Menteith (the stewartrie thairof onlie except). [2] And to his Fol. 25, a

Acta 1581–85. richt traist cousing and counsalour, David, Erll of Craufurd, Lord Lyndsay and his colliggis, of his landis within the boundis of the baronie of Fynevin and forrest of Platane, the baronie of Doune, Inueraritie, Inuerquhicht, Elicht, Auchtermows, Effebetoun, for the landis of Rathebeit, Hilcarme, Bra of Glenesk, Fairn, Daboge, Newdask, Edzell, with pendicles and pertinentis quhatsumevir, and utheris landis lyand within the schirefdome of Forfar pertening to the said David, Erll of Craufurd, or to David Lyndsay of Edzell, knycht, in propertie and tenandrie,—in the tolbuith of Brechin for his landis lyand within the schirefdome of Kincardin, and in the tolbuith of Couper in Fyff for his landis lyand within the schirefdome of Fyff. [3] And to his richt traist cousing and counsalour, Andro, Erll of Rothes, Lord Leslie, of all and sindre his landis, lordschippis, and baronies, quhairevir thay ly within this realme. [4] And to his traist cousing, Alexander, Lord Hume, warden of the Eist Marche of this realme foiranent England, of his haill landis, lordschippis and baronies within this realme. Providing that the saidis personis, justices, to quhom the saidis particular commissionis ar grantit as said is, sitt and hald thair courtes of justiciarie within the tolbuithis of the burrowis of thay schyres quhair the saidis landis, lordschippis and baronies, respective, lyis, or quhair the saidis generall justice courtes or aires ar ordanit to be haldin be his Hienes justices and commissioners foirsaidis direct to that effect in the saidis monethis of August, September, and October, nix to cum, befoir thair removing from the saidis burrowis and places appointit. And ordanis and commandis alsua his Hienes commissioners and compositoures constitute be his Hienes commissioun to grant componitouris for remissionis to the personis craveand the same duelland within the boundis ower the quhilkis particularlie commissionis ar gevin to the saidis noblemen and utheris; quhilkis componitouris being alwyse registrat be the thesaurar clerk or his depute haveand his pouer, he to ressave the haill compositionis, retenand the half thairof (the ordinar and ressonable chargeis first deducit of the haill) to his Majesties awin use, to be maid compt of in his Hienes chekker, and deliverand the uther half of the same compositionis to his Hienes particular justices abonewrittin in the severall boundis committit to everie ane of thame respective for thair laboures. Quhilk caus and conditioun his Majestie ordanis to be insert in the commissionis to be past and grantit to thame; for the quhilk this present Act salbe sufficient warrand to his Hienes justice and justice-clerk, as alsua to his Hienes thesaurar and his clerk in his Hienes chekker for the saidis half compositionis and half unlawes, amerchiamentis and eschetis of the saidis justice courtes, to be haldin be the saidis particular commissioners; to quhom his Majestie ordanis the Lordis auditouris of his Hienes chekker to diffeis and allow the samyn at the sicht heirof, without ony uther warrand to be requirit in that behalff."

The criminal courts "now in use" being insufficient for administering justice to all classes, especially to the "purest sort" [see last entry],

Justice Court to be held at Perth; but indulgence offered to all Highlanders and others who appear in due time to answer for past offences.

the King had "laitlie appointit ane court of justiciarie to be haldin in the burgh of Perth for administratioun of justice to all compliners, and appointit alsua certane personis of gude knawlege and experience to compone for remissionis to sic as wer not able to underly the rigoure of justice;" but, having been "informit that the inhabitantis of the Hielandis and Brayis within this schirefdome, throw the lang troubles that wes amang thame during the dissobedience of the Clangregour and utheris brokin men of the far Hielandis, culd not weill abyde his Hienes lawes, na criminall justice in effect being haldin heir thir xxix yeris bygane," he had "condiscendit thairfore to grant thame mercy and pardoun for thair bygane offenssis, to the effect that thay, comperand and being persewit be the compliners, suld find gude suretie to satisfie the parteis offendit and to abstene from the like offenssis in tyme cuming." Notwithstanding this act of grace, "little speciall dittay hes bene gevin up, and nane or verie few complenaris hes offerit thame to persew the personis enterit on pannell sen the begyning of this present justice court, how sa evir now thay murmour that thay want redres of thair skaith sustenit." Now, accordingly, "to the effect that thay may ressave justice and guide redres and satisfactioun of thair saidis skaithis bygane, and that the personis offenders, for feir of thair lyffis and in default of pardoun, sall not ly out and continew in thair former evil doingis to thair wrak and utter distructioun," it is ordered that proclamation be made by a herald, macer, or other officer of arms, at the market cross of Perth and elsewhere, "to command and charge all and quhatsumevir personis compliners quhilkis hed ony speciall complaintes and dittayes upoun personis already arreistit to this present court of justiciarie, that thay present and gif in the same to the justice-clerk or his deputis with diligence, and be reddie to follow thair complaintis, and to caus summond ane assise aganis the personis offendoures, in cais thay sall offer thameselffis to enter on pannell in this burgh at ony tyme betuix and the first day of August nix to cum, or in Streviling befoir the fyftene day of the said moneth, quhair his Majestie hes willit thame to be ressavit in cais thay offer thameselffis to enter betuix and the said day, and als hes ordanit my Lord Thesaurar and utheris compositouris to grant componitur for remissioun to all maner of personis, inhabitantis of the saidis Brayis and Hielandis within this schirefdome, for all offenssis and crymes committit be thame in tymes bygane, thay comperand in jugement and findand gude suretie for satisfactioun of the parteis offendit unto, and to abstene and forbeare from the like offenssis and crymes in tymes cuming." The proclamation is to certify all who do not appear and accept the benefit thus offered that "thay salbe declarit fugitives and rebellis and salbe exponit in prey to all sic as may apprehend thame or thair guidis and geir, and to bring thame to justice, or to tak, sla or burne thame," and that "thair maisters and landislordis, upoun quhais landis, rowmes, or baillieries thay have duelt or duellis, salbe haldin, estemit, persewit, accusit, and punesit as the favourers and nuresaris of thevis and sorners in thair thiftuus and myschevous dedis, and salbe put to the knawlege of ane

Acta 1581-

Fol. 25, b.

Acta 1581–85. assise upoun thair diligence, conforme to the generall band and lawes of this realme." It is to enjoin also persons rebels and at the horn for whatever crimes, civil or criminal, "that thay repair with diligence to my Lord Thesaurar, his depute and clerk, and utheris haveand commissioun to that effect, and compone for thair eschetis, quhairthrow the parteis may be satisfeit and thay orderlie relaxt; utherwyse thair cornis and guidis salbe intromettit with and sauld and disponit to sic personis as will gif maist thairfore." Further, all the lieges are to be certified "that his Majestie hes ordanit and appointit his court of justiciarie to be haldin and begyn of new within the tolbuith of the burgh of Perth upoun the day of Februar nix to cum, with continewation of dayes, as secund court peremptoure to all personis arreistit to this present court and not comperand, and hes ordanit the unlawis of this present court to be taken up with diligence" at the said second court.

Assurance to be taken betwixt parties standing at deadly feud with each other in the West: eight such feuds enumerated.

Recites preamble of the Act ordaining courts of justiciary to be held "ower all partis of this realme during the tyme of this nixt vacance" [see entry before last], and proceeds:—"And becaus of sindre deidlie feidis, grudgeis, and displeasouris standing betuix sindre great personis, thair freindis and partakers, throw bludescheid and utheris troubles and uther inconvenientis happinnit amangis thame, the cours of his Hienes justice can not proceid to his Hienes honour, the puneisment of offendouris, redres of parteis offendit unto, and commoun quietnes of this realme, without assurance and cessatioun from all privat revenge betuix the saidis parteis, thairfore ordanis letters to be direct, charging [1] Thomas, Master of Cassillis, Uchtred Makdowall of Garsland, Thomas Kennedy of Bargany, on the ane part, Johnne Gordoun of Lochinvar, Johnne Gordoun of Barskeoch, Alexander Gordoun of Portincorkie, his sone, on the uther part, [2] Mathew Campbell of Lowdoun, knycht, schiref of Air, Hew Campbell, his sone, on the ane part, and Johnne Wallace of Cragie on the uther part, [3] Thomas, Master of Cassillis, and Thomas Kennedy of Bargany, on the ane part, and David Craufurd of Kers on the uther part, [4] Thomas Kennedy of Bargany, on the ane part, and Johnne Kennedy of Blairguhan on the uther part, [5] Mathew Campbell of Lowdoun, knycht, and Hew Campbell of Terrinzeane, on the ane part, and James Chalmer of Gaitgirth, on the uther part, [6] James, Erll of Glencarne, William Cunynghame of Cunynghameheid, and Hew Cunynghame of Watterstoun, on the ane part, and Hew, Erll of Eglingtoun, and Hew Master of Eglingtoun, on the uther part, [7] James, Erll of Glencarne, and Robert Lyndsay of Dunrod, on the ane part, Johnne Cunynghame of Glengarnok, Patrik Houstoun of that Ilk, George Maxwell of Nework, and William Porterfield of Douchall, on the uther part, [8] betuix [Sir John] Maxwell of Nethre Pollok on the ane part and Johnne Pollok of that Ilk on the uther part,—to subscrive and g[ive], ayther of thame to utheris, sic forme of assurance as salbe presentit unto thame merkit be the clerk of Counsale, to indure unto the first day of December nix to cum." This

they are to do within six hours after they are charged, under pain of rebellion. Acta 1581-8, Fol. 26, a.

No "dittays" to be closed by the King's interference till the 1st of November next.

The King having "at divers tymes of lait bene verie importunelie preissit, upoun sinister informatioun, to command his Hienes justice-clerk be word and write to clois sindre pointes of dittay gevin in upoun divers personis arreistit to the justice aires of the schirefdomes quhair thay duell, procurit proposelie, as apperis, to eschew puneisment of certane odious crymes," it is ordered "that na command nor directioun salbe gevin to the said justice-clerk or his deputis, be word, write, or utherwyse, for closing of ony dittayes," till the 1st of November next, and that, in case his Majesty or the Council "sal happin at ony tymes betuix and the said day to do in the contrar," the justice-clerk and his deputes shall pay no attention to the same.

Perth, 27th July.

Sederunt—Ut in die predicto.

No more Commissions of Justiciary to be granted.

The King and Council "hes bene, and daylie ar, importunelie preissit and sutit to grant commissionis of justiciarie to divers personis within sindre boundis, the personis procurand the same purposelie, as may be supponit, ayther to mak thair awin particular proffite, acquite personis of crymes quhairof thay ar giltie and deservis puneisment, or to be revengit of utheris aganis quhom thay profes evill will and inimetie." To stop such "schameless sute," it is ordered "that thair salbe na ma commissionis of justiciarie grantit to ony persoun or personis heirefter nor is ellis grantit to the noblemen and utheris particularlie undermentionat." These are—Esme, Duke of Lennox; Colin, Earl of Ergile, chancellor; James, Earl of Arran; David, Earl of Craufurd; Andro, Earl of Rothes; James, Lord of Downe; James Chesholme of Cromlix; and James Chesholme of Dundorne, knight. Any commission that shall happen to be obtained against the effect of this present order shall be *ipso facto* null.

Perth, 28th July.

Caution for Colquhoun of Gilmerdony.

Caution in £2000 by Sir George Buchannan of that Ilk for the appearance of Johnne Colquhoun of Gilmerdony before the Privy Council when warned.

Caution for Rollock of Duncrub.

Caution in £1000 by William Rollok of Bavage, burgess of Dundie, for James Rollok of Duncrub, that Issabell Moncreif, Lady Duncrub, her tenants and servants, shall be harmless and skaithless of the said James.

Edinburgh, 2nd August.

Caution for John Macmorran.

Caution in 1000 merks by Thomas Weir of Kirktoun for Johnne Makmoran, servitor to the late James, sometime Earl of Mortoun, that he shall have no dealings with the King's "declarit tratouris forfaltit and now remaning furth of this realme," and that, if he be "dilatit or suspectit thairof," the cautioner shall enter him in the tolbooth of Edinburgh upon fifteen days' warning. Fol. 27, b.

Acta 1581-85. Caution to the same effect by William Forster in Leith, in 500 merks, for Alexander Forester, son of the late Mathew Forster. Edinburgh, 4th August. Caution for Alexander Forester.

Sederunt—Esmeus, Dux Lennoxie; Jacobus, Comes Arranie; Willielmus, Comes de Gowry; Jacobus, Dominus Downe; Clericus Registri; Clericus Justiciarie; Advocatus. Dalkeith, 10th August.

Complaint by Donald Makangus of Glengarrie, as follows:—"Efter the great slauchters, herschippis, and skaithis committit upoun him, his kyn, freindis, and servandis, upoun the last day of Februar the yeir of God j^{m}v^{c}lxxxi yeris, estimat worth sex scoir thowsand pundis money of this realme or thairby, and on the first, secund, thrid, fourt, fyft, and sext dayes of Marche last bypast thairefter, be Rory Makkenzie, brother-german to Colene M^{c}Kenzie of Kyntale, Dowgall Mackenzie, his brother, and remanent thair collegis and cumpany, to the nowmer of twa hundreth personis, bodin with twa-handit swordis, bowes, darlochis, hagbuttis, pistolettis, prohibite to be worne or usit, and uther wappinnis invasive: Quha alsua, upoun the sextene day of Aprile last bypast or thairby, come upoun the said compliner, he being within his awin rowmes and cuntre of Lochcarroun, haveand mynd of na evill nor injurie to have bene done to him nor nane of his, bot thinking to have levit under Godis peace and our Soverane Lordis, and thair not only tuke himself captive, kepit and detenit him prisoner in coves, craigis, woddis, and uther desert places, at thair pleasour, quhairthrow nane of his kyn nor freindis had acces unto him be the space of fouretie dayes or thairby, bot als in the meintyme tuke and apprehendit umquhile Rory Makalester, father brother to the said compliner, and thre of thair sonnes and utheris, his freindis and servandis, to the nowmer of xxxiii personis or thairby, band thair handes with thair awin sarkis, and cruellie and unmercifullie, under promise of Fol. 28, a. saulftie of thair lyffes, causit murther and slay thame with dirkis, appointing that thay suld not be bureit as Christin men, bot cassin furth and eittin be doiggis and swyne." Further, "at the end of the said compliners captivitie and detentioun in maner foirsaid, being deliverit be the foirsaidis personis, his takers and detiners, to Colene Mackenze of Kyntale, baith he and thay, being bodin in weirlike maner as said is, upoun the xxiiii day of the said moneth of Aprile, come to the said compliners toun and landis of Strome, quhair thay alsua careit him captive with thame; and thair, be hostilitie and way of deid, spuilyeit and reft the haill guides, geir and plennesing, being thairin, and besegit his house and castell of Strome, schoring his friendis and servandis being thairin that, gif thay randerit not the same to thame, they suld hang the said compliner in thair sicht; compelling him and his saidis freindis thairthrow and for saulftie of his lyff to yeild to the saidis personis tyrannous desires and appetites, and rander to thame the said castell,—quhilk thay not only wranguslie detene and withaldis fra him, bot alsua throw occasioun thairof still insistis in thair crueltie and inhumanitie aganis the said compliner, Donald MacAngus of Glengarry against Colin Mackenzie of Kintail.

his kyn and freindis. Lyke as laitlie, about the end of Junii last, the saidis Colene M^cKenzie, Rory Mackenzie, and utheris foirsaidis, having violentlie taken Donald Makmoroch Roy, ane of the said compliners cheif kynnismen, wer not content to put him to ane simple death, bot, to bait thame in his blude and be a strange exemple to satisfie thair cruell and unnaturall heartis, first cutt of his handis, nixt his feit, and last his heid, and, having cassin the same in a peitpott, exposit and laid out his carcage to be a prey for doiggis and revenus beistis: Tending be sic kynd of dealing to undo sa mony of the said compliners freindis and servandis as thay can apprehend, and to lay waist thair landis, rowmes, and possessionis, to the said compliners heavie hurt and skaith, and dangerous exemple of wickit personis to attempt the lyke gif remeid be not providit."— In consequence of this complaint charges had gone forth to Colene M^cKenzie of Kyntale, [1] to have rendered the said castle of Strome, with the munition and goods therein, to the complainer or his representatives, within twenty-four hours after being charged, under pain of rebellion, or else to have appeared and shown cause to the contrary, [2] to have appeared and found sufficient surety in the Books of the Council for the safety of the complainer and his dependents in persons and goods, or else shown cause to the contrary, under the same pain. And now, "the said Angus Makangus comperand personalie, and the said Colene M^cKenzie of Kyntale being oftymes callit and not comperand," the Lords [1] repeat their charge for delivery of the castle within twenty-four hours, and, failing obedience, order Mackenzie of Kyntale to be denounced rebel and put to the horn and to escheat; [2] repeat their charge to the said Makenzie to find sufficient caution for the safety of the complainer and his dependents in persons and goods, with order that, if he fail to do so within fifteen days after being charged, he shall, for that default also, be denounced rebel and put to the horn. Acta 1581-85.

Edinburgh, 21st August.

Caution for Douglas of Todholes.

Caution in £1000 by Thomas Weir of Nethir Kirktoun and Johnne Somerwell of Torbrax for James Douglas of Todhoillis, that he shall not intercommune directly or indirectly with any of the "declarit tratouris forfaltit and now remaning furth of this realme." Fol. 28, b.

Edinburgh, 26th August.[1]

James Edmenstoun of Duntreith becomes cautioner and surety for

[1] In the interval between the last entry and this, viz., on the 23rd of August 1582, there had taken place the Revolution in Scottish politics known as "The Raid of Ruthven." Rebelling against the ascendancy of the Duke of Lennox and the Earl of Arran, which had now lasted for two years, the Earls of Gowrie, Mar, and Glencairn, with Lord Lindsay, the Master of Glammis, and a number of others, had formed a "Band" for the overthrow of that ascendancy, and had been for sometime waiting their opportunity. Information that the Duke had discovered their Band precipitated their measures. Lennox and Arran had both left Perth, and were at Dalkeith and Kinneill respectively, when, on the 22nd of August, the King came, by invitation, on a hunting visit to Ruthven Castle, a seat of the Earl of Gowrie a few miles from Perth. Next morning he found that the Castle was surrounded by an armed force, and that he was in possession of Gowrie, Mar, the Master of Glammis, and their associates. They strove indeed to disguise the fact that he was their prisoner, treating him with profound respect, and addressing

Acta 1581-85. Robert Hammyltoun of Inchemachan, that he shall appear personally before the King's Majesty and Lords of Secret Council or before the

him in the most loyal language. "It may seem strange unto your Hienesse," they said in their supplication presented to him in Ruthven Castle on the 23rd, "that we, your Majesties most humble and obedient servants, are heere conveened, by (*i.e.*, beyond) your Hienesse expectatioun; but, after your Grace hath heard the urgent occasions that have preassed us therunto, your Majestie will not mervell at this our honest, lawfull, necessar, and most godlie interprise." What follows may be taken as the first definition and justification of "The Raid of Ruthven" by the Raiders themselves. "Sir," they say, "for the dutifull reverence and obedience we owe to your Hienesse, and for that we ever abhorred to attempt anie thing might seeme displeasant to your Excellencie, we have suffered now about the space of two yeeres suche false accusations, calumneis, oppressions and persecutions, by the moyen of the Duke of Lennox and him who is called Erle of Arran, that the like of their insolenceis and enormiteis were never heertofore borne with in Scotland. Which wrongs, albeit they were most intolerable, yitt, for that they onlie tuiched us in particular, we comported them patientlie, ever attending when your Hienesse sould putt remeed thereto. But now, seing the persons foirsaid have entered plainlie to trouble the whole bodie of this commounwealth, als weill ministers of the blessed Evangell as the true professors therof, but in speciall that number of noblemen, barons, burgesses, and communitie, that did most worthilie in your Hienesse service during your youth; whom principallie and onlie they molest, and against whom onlie they use most rigour and extremitie of lawes, acts, practicks, for greater vindicatioun, so that a part of these your best subjects is exiled, another part tormented, putt to questions, and with partialitie executed, and, if anie escape their barbarous furie, yitt have no accesse to your Majestie, but are falselie caluminated, minassed, debarred your presence, and holdin out of your favour. Papists, and the most notable murtherers of your Father and Regents, are daylie called home, restored to their former honours and heretages, and oftentimes highlie rewarded with offices, rowmes, and possessions of your most faithfull servants. Finallie, sir, your estat-royall is not governed by the Counsell of your nobilitie, as your most worthie progenitors used to doe, but at the pleasure of the persons foresaid, who interprised nothing, but as they receaved directions from the bishops of Glasgow and Rosse, your denounced rebells; having with them adjoyned in their ordinarie counsells the Pop's nuncioes, the ambassaders of Spaine, and suche others of the Catholick Papists in France as ever laboured to subvert the true religioun, to spoile you of your crowne. With these forefaulted persons, and with your mother, without advice of your Estats, they travelled to caus your Majestie negotiat and traffique, perswading your Hienesse to be reconciled with her, and to associat her conjunctlie with you in your authoritie" (Calderwood, iii. 637–639).—The following is a list of those who, as having signed the Secret Band in which the Ruthven Raid originated, may be regarded as the first agents or abettors of the Revolution, and may therefore be called collectively *The Ruthven Raiders*:—The Earls of Gowrie, Mar, Glencairn, March, and Bothwell (this last a young man, Francis Stewart, who had been promoted to the famous vacant Earldom as being the son of a natural son of James V., and therefore the King's cousin, and who had but recently returned from France); Lords Hume, Lindsay, and Boyd; the Bishop of Orkney; the Abbots of Cambuskenneth, Dryburgh, Dunfermline (secretary), Inchaffray, and Paisley; Thomas Lyon of Baldukie, Master of Glammis, and Laurence Oliphant, Master of Oliphant; Sir Lewis Bellenden (Justice-Clerk), Sir James Hume of Cowdenknowes, George Hume of Wedderburn, George Hume of Broxmouth, Alexander Hume of North Berwick, Alexander Hume of Huttonhall, Alexander Hume of Manderston, George Hume of Spott, John Cunningham of Drumwhassel, William Douglas of Lochleven, William Douglas of Whittingham, Robert Colville of Cleish, James Colville of Easter Wemyss, Sir Walter Ker of Cessfurd, Andrew Ker of Fawdonside (husband of Knox's widow), John Cockburn of Ormiston, John Cockburn of Clerkington, William Sinclair of Hirdmestone, James Hamilton of Samelston, George Brown of Colston, Patrick Hepburn of Whitecastle, Henry Ogle of Hartwood, James Rig of Carberry, James Richartson of Smeaton, William Wauchope of Niddry, James Heriot of Trabroun, James Foulis of Colinton, Patrick Monypenny of Pilrig, Robert Fairlie of Braid, and the Lairds of Dalmahoy, Innerwick, and Elphinstone. To these may be added James Haliburton, Provost of Dundee and Prior of Pittenweem, as accessory to the Raid itself at Perth (Calderwood, iii. 637 and 645, 646).—It remained to be seen whether *The Raid of Ruthven*, so led and

Caution for Hamilton of Inchmachan.

Justice when required, upon 15 days' warning, under penalty of 3000 merks.[1] Acta 1581–85.

Perth, 28th August.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowrye; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Clericus Registri; Clericus Justiciarie; Provest Dunde.

Declaration of the King accepting and approving the Raid of Ruthven.

"Forsamekle as, for the pacifeing of the present insurrectioun and commotioun within this realme, and diverting of the danger apperant to ensew thairof to oure Soverane Lordis estate and persoun and the quietnes of this commoun weill, his Majestie hes found nathing mair expedient nor to interpone his mediatioun and travellis to the removing of the caussis thairof, quieting of his Hienes subjectis heartis, and establesing of ane perfyte unioun and amytie amangis the nobilitie, to the glorie of God and the furthsetting and advancement of his Hienes service: For the bettir executioun and performance quhairof having maid choyse of this burgh of Perth to be his Hienes place of residence in the meyntyme, quhair voluntarlie and of his Hienes awin fre motive he intendis to contene himself till his Majestie se quhat gude effect sall follow of his said diligence and travellis; thairfore, and to the end nane of his Hienes subjectis conceave utherwyse of his said meanyng and intentioun, and that all sic seditious personis as ayther have already or heirefter sall report of his Majestie the contrary may be estemit according to thair merite and deservingis, his Majestie ordanis lettirs to be direct to officiaris of armes, schireffis in that part, chargeing thame to pas to the mercat croces of the heid burrowis of this realme, and thair be publict proclamatioun mak declaratioun that his Majesties remaning in the said burgh is nawyse forcit, compellit, nor constrenit for feir or terrour of ony man, nor that he nawyse is detenit heir aganis his Hienes will, bot that, as of his awin fre motive and electioun his Majestie hes chosin to remane a space within this toun as a place maist convenient to assure his persoun in, sa hes thair nathing yit bene done nor attemptit be ony nobleman or utheris heir present bot that quhilk baith becumis thame of thair dewetie and quhairof his Hienes allowis as gude service done to him and to the commoun weill of this thair native cuntre. In respect quhairof, and that his Majestie of the same motive and guidwill intendis to keip heir

backed, would be able to maintain itself. The party of Lennox was still very strong, including not only the Duke himself and Arran, but also the Earls of Huntly, Crawford, Sutherland, Morton, and Orkney, Lords Herries and Seton, Sir Thomas Ker of Fernihirst, Sir James Balfour, the Abbot of Newbottle, and many other barons and lairds; while some of the great nobles stood neutral.—Lennox and Arran were already in great excitement over the news from Ruthven. Arran had galloped to Ruthven Castle, and had been seized and detained; Lennox came from Dalkeith to Edinburgh, to try what could be done there. From Ruthven Castle the Raiders removed, with the King, to Perth.

[1] This little piece of business must have been transacted, or at least booked, at some kind of Council meeting held by those of the Council who were still in Edinburgh and unconnected with the Raiders of Ruthven. The 26th of August was a Sunday; and Lennox was then in Edinburgh.

Acta 1581–85. residence, ay and quhill he se sum gude succes of his said mediatioun and travellis to be tane for ordering and appointing of the said trouble and commotioun, his Hienes ordanis letters to be direct, chargeing all and sindre his Majesties liegis and subditis foirsaidis, that nane of thame esteme utherwyse of his Hienes remaning heir, nor be seditious and contrary reportis suffer thame to be inducit or persuadit be ony man to ryse in armes or to attempt ony thing to the troubling of the quiet estate of the cuntre, as thay and every ane of thame will declare thair dewtefull
Fol. 29, a. affectioun to his Hienes service and obedience; and siclike chargeing all and sindre cumpanyes and bandis of men of weir that ayther ar ingathering or ar already liftit and inrollit to ony mannis behuiff, for the furthsetting of quhatsumevir actioun or quarrell, to brek, dissolve and withdraw thame to thair particular effaires and occupationis within sex houres nixt efter the charge, under the pane of deid: chargeing in lyke maner the provost and baillies of ilk burgh to gif gude attendence to the executioun of the said penaltie upoun the dissobeyarris thairof, as thay will answer to his Majestie upoun thair obedience at thair uttermaist charge and perrell."

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Prepositus Dundie. Stirling Castle, 6th September.[1]

"Forsamekle as, the Kingis Majestie having already signifeit his mynd anent the departure of the Duke of Lennox furth of this realme, and that he sall contene himself quietlie, accumpanyit with the nomber of ten personis or within quhill his departing, and that to be befoir the xx day of September instant (weind and woddir serving), necessar it is that Duke of Lennox, already commanded to depart out of the realm, to disband all his forces.

[1] Notwithstanding the intention to remain at Perth, the Raiders and the King had removed to Stirling on the 30th of August. The day after their arrival at Stirling, the King had tested the question of his personal freedom by putting on his boots with the intention of riding straight to Edinburgh. The Lords told him "it was not expedient that he sould ride at that time till farther order were takin with things out of order," and said plainly "ather the Duke or they sould leave Scotland." The young King still persisting, and making for the door, the Master of Glammis "layed his leg before him." So Calderwood tells the story (iii. 643). Other authorities have handed on the tradition that the King, in resentment of the indignity, began to cry, and that Glammis made the comment, "*Better bairns greet than bearded men.*"—From Stirling the Lords of the Ruthven Raid and their adherents put forth a long manifesto, "with speciall command and licence to be printed," entitled "*A Declaration of the just and necessar causes moving us,*" &c. It contained a tremendous indictment against the Duke of Lennox and the Earl of Arran, not only for their general tyranny and public misdemeanours in Church and State, but also for their "travelling to corrupt the King's age, giving him all the provocatiouns to dissolute life in manners that was possible,"—in connection with which latter charge there is repeated reference to the fact that the Countess of Arran, the divorced wife of the Earl of March, "that vile and impudent woman, over famous for her monstrous doings, not without suspicion of the devilish magicall art," had been brought habitually into the King's society. To this manifesto there was a reply of self-defence by the Duke of Lennox, dated from Dumbarton Castle, September 20, 1582; to which again there was a retort on the part of the Raiders. All the three documents are given in Calderwood, (iii. 651–673.)

publicatioun be maid thairof, that na further conventioun in armes salbe in the places quhair the said Duke sal happin to remane quhill his departure: Thairfore ordanis lettirs to be direct, to command and charge the said Duke of Lennox to dissolve his present forces, retenand only in his cumpany the nowmer of xl personis or within, in peciable maner; and siclike to charge all and sindre erlis, lordis, barrones, and utheirs his Majesties liegis quhatsumevir, presentlie being in the said Dukis cumpany, to depart and withdraw thameselffis to thair awin dwelling houssis within xii houres nixt efter the publicatioun heirof at the mercat croces of Glasgow, Dumbertan, and utheris places neidfull, under the pane of deid; as alsua to charge all utheris his Hienes liegis, be oppin proclamatioun at the saidis mercat croces, that nane of them tak upoun hand to put thameselffis in armes, or to repair armit to the partes in the realme quhair the said Duke sal happin to mak his residence quhill his departing furth of the same, according to his Hienes mynd declarit and acceptit be the said Duke, under the said pane of deid: certefeing thame that dois in the contrar that they salbe callit, persewit and puneist thairfore with all rigour, in exemple of utheris." Acta 1581–85.

Stirling Castle, 8th September.

Sederunt—Ut in die precedente.

Revocation of all Commissions of Justiciary issued since the King's assumption of the Government.

Preamble runs thus:—"Forsamekle as divers and sindre personis, taking thair advantage of the lait confusit tyme and state, upoun sinister informatioun, be circumventioun of the Kingis Majestie, inoportunelie preissit his Hienes to grant commissionis not only for halding of justice aires and courtes for puneisment of personis gilty of capitall crymes (not exceptand crymes of tressoun, quhilkis properlie appertenis to the jugement of the justice-generall and his deputis, and almaist in na aige past committit to the jugement of ony inferiour or particular personis), besydes uther small crymes of little or na effect, bot als for taking and apprehending of sindre noblemen and utheris, innocent personis, without mentioun of ony cryme, deid or fact, committit or allegeit committit be thame; yea sum of the saidis commissionis being past with blankis, and subscrivit be the Kingis Majestie and twa of the nowmer of the Counsale, for inserting thairin of ony personis, and persute and apprehensioun of thame, and, gif neid wer, to commit slauchter, rais fyre, and to use tortoure at the discretioun of the purchessouris; quhilkis for the maist part wer without jugement, discretioun or knawlege of the ordoure and forme observit in sic caissis; as indeid few or nane can be ignorant bot the same commissionis wer socht and usit ayther for thair awin particular proffite, to the depaupering of his Hienes gude subjectis, na commoditie followand to his Majestie, to acquite sum personis of crymes quhairof thay wer gilty and deservit puneisment, or to be revengit of utheris aganis quhom thay profest evill will and inemetye: quhairof sindre gude men hes had prufe, bot cheiflie sic as constantlie avowit and profest the caus of religioun and advancement of the Kingis Majesties authoritie and service."—Therefore the King, with

Acta 1581-85. advice of his Council, "hes revokit, and be thir presentis, revokis, annullis, and dischargeis, all and quhatsumevir commissionis, alsweill generall as speciall, past with blankis or utherwyse, to quhatsumevir persoun or personis, sen the tyme of the acceptatioun of the governament of this realme in his Hienes awin handes, ayther for halding of justice aires and courtes within quhatsumevir boundes, or for apprehending of ony persoun or personis that ar suspect gilty of quhatsumevir crymes, or yit for warding, putting tortoure, or using of ony other forme of jugement or justice upoun thame." Proclamation is to be made to that effect, charging all "purchesseris of the saidis commissionis and that ar namyt commissioners
Fol. 29, b. thairin" to desist from using them or putting them in execution, under pain of treason.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes Gowrye; Commendatarius de Dumfermling; Commendatarius de Culros; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Prepositus de Dundie. Stirling Castle, 17th September.

"The quhilk day, the Kingis Majestie and Lordis of Secrete Counsale, having hard and considerit that part of the instructiones presentit be Sir James Edmestoun of Duntreith, knycht, on the behalf of Esme, Duke of Lennox, Erll Darneley, craving that, in consideratioun of his Hienes licence grantit to George, Erll of Huntlie, to pas to the partes of France, that it wald be his Hienes pleasour that, in cais the said Erll wer not ready at the day appointit for the said Duke of Lennox imbarking, that he mycht be permittit to stay sum dayes on the said Erll at the discretioun of his Majestie,—quhairunto his Hienes being alsua desirous to have the consent of the saidis Lordis, and thay willing to satisfie his Majestie thairin, notwithstanding of thair former conclusioun maid anent his departing upoun the twenty day of September instant, and that his stay in the meyntyme can not bot import hurt to the estate of his Majestie, move suspitioun in the heartis of sic personis as ar weill affectionat to the mantenance of the glorie of God, the suretie of his Hienes persoun and croun, and the commoun quietnes of his cuntre,—hes thocht gude, concludit and ordanit that the day appointit for the said Duikis imbarking salbe prorogat: lyke as, be thir presentis, his Hienes, with the advise of the saidis Lordis, prorogattis the samyn to the xxv day of September instant inclusive, to the effect the said Duke may in the meyntyme understand the said Erlis mynd tuitching his departing or remaning, as salbe thocht best: Providing that, in cais the said Duke imbark and depart not furth of this realme betuix and the said xxv day of September instant inclusive, weynd and woddir servand, or that he convenis forces in the meyntyme, or makis ony excuse, refuis or delay, that he salbe challangit and persewit thairefter upoun the brek of his promise. And his Majestie hes consentit, like as be thir presentis consentis, and faithfullie promittis upoun his faith and word of a Prince, to direct out his Hienes proclamationis and chargeis Prorogation of the day of the Duke's departure from the Kingdom.

for convening of his liegis thairefter in weirlyke maner, and persute and invasioun of the said Duke, his adherentis and complices quhatsumevir, with fyre, sword, and all uther maner of rigour and hostilitie; quhairunto his Majestie promittis alsua to hald hand be quhatsumevir order, force, and maner that salbe thocht gude." Acta 1581-83

Stirling Castle, 21st September.

Sederunt—Ut in die precedente.

John Moncur and William Greg, messengers, against the Lyon King of Arms.

Complaint by Johnne Moncur and William Greg, messengers, as follows:—"Thomas Stewart of Garnetulie, Alexander Stewart of Kers, Alexander Stewart of Glennis, Johnne Stewart of Tullepureis, Alexander Stewart of Dulgus, and Thomas Stewart in Dowalie, upoun meare malice conceavit aganis the saidis compliners and ayther of thame, causit summond thame to compeir befoir Sir David Lyndsay, knycht, Lyoun King of Armes, to answer at thair instance to the cleames and petitiones gevin in aganis thame upoun the xxvii day of Marche in the tolbuith of Cowpar, and that under the pane of thair deprivatioun, with certificatioun, and thay comperit not, thay suld be deprivit, as the summondis thairupoun at mair lenth beris. At quhilk day thay comperit to have answerit to the samin cleames and petitionis; and, becaus nane of thair persewaris comperit the day foirsaid to thair accusatioun as said is, the saidis compliners protestit that thay suld not be haldin to answer ony further at thair instance quhill thay wer of new agane lauchfullie summond and thair expenssis modefeit and payit: quhilk protestatioun the Lyoun admittit, as the act of court subscrivit on the bak thairof schawin to the Kingis Majestie and his Counsale lykewyse beris." Nevertheless, the complainers had been cited, under pain of rebellion, before the Privy Council upon 3rd April last. Then, believing that, as their pursuers had not insisted "in the like persute" before the Lyon, they would not persevere on this occasion, the complainers had not appeared; "and sua, be ressoun of thair non-comperance, thay wer denuncit rebellis and put to the horne, and thairupoun they wer alsua deprivit of thair offices" [*ante*, p. 468]. This, they submit, is most unjust, as they had been ready to answer anything charged against them, are still ready, and have found caution to that effect. They pray, therefore, for suspension of the letters of horning.—The defenders having been cited to appear before the Lords of Council, "bringand with thame the saidis letters, with quhatsumevir complaintes and utheris thay may lay to the saidis compliners charge, to the effect thay micht answer thairto in his Hienes and the saidis Lordis presence, and als to have hard and sene command gevin to Lyoun King of Armes to have admittit thame agane to thair saidis offices," and "the saidis Johnne Moncur and William Greg comperand baith personalie, and the said George Stewart of Arntulie comperand alsua personalie for himself and as procuratour for the utheris personis his colligis foirsaidis," the Lords, after hearing parties, suspend the letters of horning against the complainers, "becaus the said George Stewart, for himself and as procuratour foirsaid, consentit thairto, and als Fol. 30, a.

Acta 1581–85. becaus the said Johnne Moncur and William Greg disadvowit and past fra all horningis execute or quhilkis wer allegeit execute be thame upoun and aganis the said George and his saidis colligis in ony tyme bygane, and promittit nevir to avow or abyde be the samin in cais the samin salbe producit in ony jugement heirefter."

King's Declaration against misinterpreting his late Proclamation from Perth of July 12.

It has been "humelie menit and havelie complenit" to the King and Council that his late proclamation, dated at Perth, July 12, and ordered to be intimated at all market crosses and in all parish churches, forbidding false "bruits" and rumours under colour of religion about his Majesty's intentions and policy, and commanding the lieges "not to be movit to ony commotioun or assembleis under quhatsumevir title or names, except his Hienes advise and directioun had thairto," is liable to misapprehension and has been misapprehended, inasmuch as, by the words of the proclamation, "the authoritie and libertie of Godis word in fre reproving of syn and iniquitie, and the previlege grantit to Godis kirk and in all aiges observit, and speciallie sen his Hienes coronatioun, in the convocatioun of the generall, synodoll, and particular assembleis, at all tymes convenient, is thocht to be inhibite and put under injunctionis in ane new and strange maner." His Majesty therefore now declares "that his Hienes trew intentioun and unfenyeit will nevir wes, nor is, to resist or put stay or injunctioun to the fre preaching of Godis word, in reproving of syn and iniquitie, as be the same word occasioun is offerit, nor yit to stop the conventionis of generall, synodoll, or quhatsumevir particular assembleis of the Kirk and Ministerie at all tymes requisite, according to the word of God and lovable use and custom observit heirtofore," but that he wills them "to proceid as Godis word directis, as be use and custum hes bene ressavit, notwithstanding the said proclamatioun maid, or ony uther to be maid, in the contrar; anent the quhilkis his Majestie dispenssis for evir." With the advice of his Council, he orders proclamation to be made of this his declaration at the market crosses of the head burghs and elsewhere.[1]

Stirling Castle, 27th September.

Sederunt—Jacobus, Comes de Arrane;[2] Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Commendatarius de Dum-

[1] Though this Declaration appears in the Privy Council Register among the entries of September 21, 1582, it was actually proclaimed in Edinburgh on Wednesday the 12th of September, and the copy of it given in Calderwood as so proclaimed (iii. 650, 651) concludes with the words, "Given under our signet, at Stirline, the 4th of September, and of our raigne the 16th yeere. *Per actum Dominorum Consilii.*" There had, therefore, been a delay of more than a fortnight in transcribing the document into the Register.—The Declaration, whatever its date, proclaimed the fact that the Revolution effected by the Raid of Ruthven was one in the interests of Presbyterianism. This had already been universally recognised. The clergy had at once hailed the act of Gowrie and his associates as a deliverance of the Kirk from the persecutions of the Lennox-Arran government; Mr John Durie had been brought back to Edinburgh in triumph, with acclamations and psalm-singing through the streets; and the pulpits of Edinburgh and other towns had rung with congratulations on the great event near Perth, and denunciations of the fallen duumvirs.

[2] The appearance of Arran in this sederunt is rather surprising, but may be explained by Calderwood's account of Arran's behaviour while he was in the custody of Gowrie and the

fermling; Commendatarius de Culros; Commendatarius de Cambuskynneth; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde. Acta 1581–

Declaration respecting the protection to Sir James Balfour.

Suit of Robert Erskin, "apperand of Little Sauchy, gentleman of his Hienes chalmer" [*ante*, p. 461], as follows:—It had pleased his Majesty, "in reward of his lang, faithfull and trew service maid to his Hienes dearest father, mother, and himself sen his birth," to present him to the lands of Strakinnes and Ballon, "as being in his Majesties handes throw the forfaltoure of Sir James Balfour of Pettindreich, knycht, for art, part, and counsale of the horrible murther of the King his Hienes dearest father of worthie memorie, or be virtew of the Act of Parliament for inhabilitie of his posteritie and barnes to brouke landes or honoures within this realme" [Acts of Parl. 1579, c. 5 iii. 137]. These lands Erskin had "acceptit as full satisfactioun and reward of any service done or to be done be him to his Majestie." But, as he is informed, the said Sir James, "alleging him to be innocent and acquite of the said horrible cryme," and having given the King to understand as much, "and that he wes nevir rebell nor at the horne, nor under ony danger or perrell of the law," has obtained the King's protection, "for him, his wyff and barnes, Fol. 30, b. to brouke and enjoy landis, levingis, honoures, offices, possessiones, guides and geir as his Hienes obedient and gude subject, according to the benefite of the Pacificatioun, notwithstanding ony sentence, proces, dome of forfaltoure, led and deducit aganis the said Sir James in ony tyme bygane for ony cause quhatsumevir, or ony uther lawes, Actis of Parliament and statutis, maid or to be maid in the contrar; with the quhilkis his Hienes in favouris of the said Sir James hes dispensit for evir, with promeis to ratifie the same in Parliament." Accordingly, there had been "command to the Lordis of Sessioun to direct furth letters summarlie in all the foure formes, chargeing the said Robert to reposses the said Sir James and his barnis in the saidis landis effectuallie, without warning to the said Robert to heir the saidis letters grantit; throw the quhilkis letters, grantit in maner foirsaid, being very generall, ambiguus, and in stile and forme not heirtofore accustumed within this realme, oure Soverane Lord and the saidis Lordis of Secrete Counsale, throw wrang informatioun of the said Sir James and suppressing of the veritie, wes circumvenit, and the said Robert havelie frustrat and prejudgeit." For "it is of veritie that the said Sir James standis forfaltit be the sensiament of the Thre Estaittis in Parliament, for art, part, and foirknawlege of the said tressonable and odious murther of umquhile his Hienes dearest father of worthy memorie: quhilk forfaltoure is not taken away be ony pacificatioun yit maid, be ressoun the said murther is alwyse exceptit thairin, nor yit is the said Sir

other Raiders at Stirling. "He promised, upon conditioun of their favour and his libertie," says Calderwood, "to make the King favorable to them, and, as others report, to furnish mater of treason against the Duke. They made what vantage they could of him, but did not trust him" (iii. 648)

Acta 1581. James lauchfullie and sufficientlie acquite of the cryme foirsaid." The forfaulture therefore stands in force notwithstanding the said letters, "thair being nevir sic forme of letter heirtofore past the chancellarie, sen it is nother a remissioun nor a testimoniall of his lauchfull clengeing and acquittance be ane condigne assise, as it aucht to be gif it suld have force aganis the said dome of forfaltoure."—Charge having been given to Sir James Balfour to appear and answer to this suit, "bringand with him and produceand the said letter and warrand thairof, to have bene sene and considerit gif the samin wer orderlie past according to his Hienes mynd and intention," and "the said Robert Erskin comperand personalie, and the said Sir James Balfoure being oftymes callit and not comperand," the King, with advice of his Council, "declaris and decernis the said protectioun, in sa far as the samin is or may be extendit to the taking away, annulling, or discharging of the said forfaltoure standing for the cryme foirsaid, to be surreptiouslie purchest, aganis his Majesties meaning and intentioun at the tyme of the granting thairof, and thairfore to be null and of nane avale, force, nor effect in tyme cuming."

Sederunt—[not recorded].

Stirling Castle, 5th October.

Interim Order of Council in the matter of a dispute between the Merchants and the Craftsmen of Edinburgh.

The King and Council, "understanding the tumult and trouble that laitlie hes appearit and is liklie heirefter to follow betuix the merchandis and the craftis of Edinburgh upoun the adjoyning of certane assessouris to vote in the electioun of thair magistrattis,[1] and considering quhat prejudice it may import alsweill to the unitie requisite in sic a burgh as to his Hienes service and obedience of the inhabitantis thairof, gif the same be not in tyme quietit and tane ordour with," while remiting the "dew consideration alsweill of the saidis greiffis and groundes quhairupoun this diversitie and tumult hes procedit, as of the lawes, forme and maner usit be the saidis craftis in thair lait attempting of the reformatioun thairof, to the first oportunetie of ane full nowmer of the Previe Counsale," have yet "thocht it meit and convenient in the meyntyme that the provest, baillies, dene of gyld, and thesaurar, already chosin to beare office this nixt yeir within that burgh, sall pas and entir on the lytes agane upoun this Settirday, the sext day of October instant, to be chosin of new be sa mony as hes vote in the electioun, except the assessouris, quhom his Hienes thinkis convenient to be forborne and sparit fra voting at this tyme, but prejudice of ony richt use, custume, or possessioun quhilkis the saidis merchandis hes or hes bene
Fol. 31, a. . . at ony tyme heirtofore." Proclamation is therefore ordered at the market cross of Edinburgh "chargeing the auld and new Counsale thairof, with sic utheris as hes vote in the electioun, the assessouris except, to convene thameselffis of new upoun Settirday the sex day of this instant at

[1] "Upon Tuisday, the 2nd of October, the craftsmen, not being content with the electioun of the magistrats, went to their armour. The merchants stayed still in the Tolbuith. The ministers travelled betwixt them, that no blood might be shed. Both parteis send their commissioners, with complaints, to the King" (Calderwood, iii. 675).

thair usuall houre and place, and thair proceid of new to the electioun of the self-same provest, baillies, thesaurar, and dene of gild quhilk wer nominat and chosin of befoir, under the pane of rebellioun and putting of thame to the horne." This is to be without prejudice of their rights of free election, or of their custom of a certain day for election, "to the alteratioun or violatioun quhairof in any sort his Majestie consentis that this have na preparative, till baith the parteis be first hard and order tane with the said enormetie befoir his Majestie and Counsale foirsaid." All the inhabitants of Edinburgh are "to stand content with this his Hienes mynd and pleasoure, and to contene thameselffis peciable and quiet in gude obedience to thair saidis magistrattis, unattempting ony further motioun or trouble, under the pane of deid"; and command is given to "the provest, baillies, dene of gild, and thesaurar that salbe chosin, to accept thir office upoun thame, and to discharge thame dewlie thairof, as thay will answer to his Hienes thairupoun, and under the pane foirsaid." Acta 1581.

Holyrood-house, 12th October.[1]

Sederunt—Joannes, Comes de Mar; Andreas, Comes de Erroll; Willielmus, Comes de Gowry; Robertus, Dominus Boyd; Patricius, Dominus Lyndsay; Allanus, Dominus Cathcart; Magister de Glammis; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Paislay; Clericus Registri; Clericus Justiciarie; Prepositus de Dundie.

Order concerning the Magistrates of Edinburgh for the coming year, and for adjusting the dispute on the election between the Merchants and the Craftsmen of the burgh.

"The Kingis Majestie and Lordis of Secrete Counsale, having hard and considerit the difference and variance standing twitcheing the electioun of the provest, baillies, and counsale of the burgh of Edinburgh this present yeir, ordanis and commandis the provest, baillies, thesaurar, and dene of gild, already nominat be the Kingis Majestie,—thay ar to say Alexander Clerk of Balbirny, provest, Johnne Adamesoun, Maister Michaell Cheslholme, Andro Sclater, and William Fairlie, baillies, Mungo Russell, thesaurar, and Maister Johnne Prestoun, dene of gild,—to stand and continew as lauchfull and ordinar magistrattis of the said burgh, and thay to accept thair offices and to be answerit and obeyit thairin, as becumis, this present yeir, and quhill the nixt ordinar tyme of electioun, without prejudice of the richt, libertie or privilege other of the merchandis or craftismen of the said burgh in tyme cuming. And, the saidis provest, baillies, and counsale, having acceptit thair offices as said is, ordanis the haill personis, merchandis, being of the said counsale, for thameselffis and be consent of the remanent merchandis of the said burgh, on the ane part, and the personis, craftismen, being on the said counsale, and haill deaconis of the craftismen of the said burgh, for thameselffis and be consent of the

[1] Note the return of the King and Court to Edinburgh, from which they had been absent since the end of June. The General Assembly of the Kirk had met in Edinburgh on the 9th of October, and given their hearty approval of the Raid of Ruthven. One of the most recent events was the death of George Buchanan, in Edinburgh, on the 28th of September 1582, at the age of seventy-eight.

Acta 1581–85. remanent craftismen of the said burgh, on the uther part, to nominat on ayther syde the nomber of ane dwzan of personis, barrones, gentlemen, ministers or utheris of best experience, discretioun, and zeale to quietnes (not being of his Hienes Previe Counsale), delivering thair names to his Hienes, off quhilkis twelf personis his Majestie may cheis thre on ayther syde, to quhom the saidis parteis sall submit the tryall, cognitioun and decisioun of thair haill differences and debaittis standing betuix thame, and, in cais of thair variances, to his Majestie with avise of his Previe Counsale. And, thridlie, his Majestie will proceid to the triall of the lait disorder happinnit within the burgh of Edinburgh upoun the secund day of October instant, and punesing of the offendouris as his Hienes sall find caus worthy. And that letters be direct heirupoun, gif neid be, in forme as efferis."

Instruments on the above decision taken by the Craftsmen of Edinburgh.

Gilbert Prymrois, "deacon of the chirurgianis," for himself and in name of the rest of the deacons and craftsmen of Edinburgh, "askit instrumentis" upon this declaration of his Majesty that he had taken upon himself the nomination of the abovenamed magistrates for the next year, and required the deacons and craftsmen to acknowledge and obey these magistrates, "without respect to the forme and order of thair electioun usit upoun the secund day of October instant, and without prejudice alsua of ony the liberties and privilegis owther of the merchandis or craftismen of the said burgh in tyme cuming."

Fol. 31, b. *Sederunt*—Ut in die precedente.

Holyrood-house, 13th October.

Complaint of the Bishop of the Isles that he is wrongfully put to the horn.

Complaint of Johnne, Bishop of the Ylis, as follows:—He is charged by letters passed by the Council "to mak payment to Capitane James Bruce and his suldartis off the sowme of twa hundreth pundis money or thairby" for his share of the late tax of £40,000 "for his benefices of the bischoprik of the Yles, abbacy of Ycolmekill, personage of Glasna, and priorie of Ardchattan," said sum having been assigned to the said Captain for payment of the wages of himself and his soldiers. The charge had been for payment within three days, under pain of rebellion; and, for his alleged disobedience, the Captain intends to put him to the horn. This, it is submitted, is unjust, "considering it is of veritie that the said Bischop had nevir the titill nor possessioun of ane part of the saidis benefices quhairthrow he is chargeit, sic as the personage of Glasna, and, as for the utheris that he is in possessioun of, he is spuilyeit yeirlie of the fruites thairof be certane wickit personis of the Yles, and his haill rentis, proffites, and emolumentis of the samin, togidder with kye, hors, cornes, cattell and guidis, ar spuilyeit and awaytaken be thame; lyke as himself, for feir of his lyff, is constrenit to leif the cuntre, and hes bene exilit thairfra this lang tyme bypast, as is notourlie knawin, as sindre decreitis and hornyngis past thairupoun can testefie." His prayer therefore is that the letters of horning be discharged.—The usual charge having been given to Captain

James Bruce to appear and hear the case decided, and "the said Johnne, Bischop of the Ylis, comperand be David Moysie, his procuratour, and the said Capitane James Bruce being oftymes callit and not comperand," the Lords "dischargeis the saidis letters raisit at the instance of the said Capitane and his collegis foirsaid," commanding all officers to forbear from putting them to further execution against the Bishop, "and, gif he be ellis put to the horne for the caus foirsaid, to relax him thairfra, ressave him to peax, and gif to him the wand thairof simpliciter in tyme cuming," Acta 1581-

Holyrood-house, 17th October.

Sederunt—[not recorded].

Dispute between Campbell of Ardkinglass and Colquhoun of Luss.

The King and Council having understood "that James Campbell of Ardkinglas hes laitlie causit procleame ane admirall court to be haldin the secund day of October instant upoun the landis of Fynnart and Portcapill, pertening to Umphra Colquhoun of Lus, and to that effect intendis to mak convocatioun of his Hienes liegis in weirlyke maner, albeit, as his Majestie is informit, the said James Campbell nor nane of his foirbearis hes bene in use or possessioun of halding of sic admirall courtes thir mony yeris bygane", and having understood also that the said Umphra Colquhoun of Lus, for the defence of his heritage, and "withstanding of the said James intentioun, myndis alsua to mak the lyke convocatioun of his freindis, assisters, and partakers, bodin lykewyse in armour, quhairupoun great inconvenient is able to fall out," charge had been given to both parties to appear, under pain of rebellion, and hear order taken on the subject. Fol. 32, a. Both parties having duly appeared in person, the Lords now, with consent of both, "ordanis the said James Campbell to hald admirall courtes, as depute to Colene, Erll of Ergyle, within the flude mark of quhatsumevir boundis quhair thay wer in use of halding of admirall courtes in tymes bygane, without prejudice of the said Umphra his richtis and titillis," or the rights and privileges of any other person.

Holyrood-house, 19th October.

A Convention of Estates—King present. [For the sederunt see Acts of Parl. iii. 326.]

"Declaratioun anent the Raid of Ruthven (deleit at command of the Kingis Majestie and Lordis of Secreit Counsall, and als be Act of his Hienes last Parliament)."

[Such is the marginal description in the Record, purporting that this Declaration, though passed by the Convention of Estates at Holyroodhouse on the 19th of October 1582, was afterwards deleted both by Order of Council and by Act of Parliament. It was, in fact, ordered to be deleted by an Act of a subsequent Convention of Estates, held in Edinburgh on the 7th of December 1583, confirmed in the Session of Parliament which met on the 19th of May 1584 (*see* Acts of Parl. of Scot. iii. 330, 331). Accordingly, the Declaration now stands in the Record deleted by three lines intersecting each other. It is, however, printed in full, with lines of deletion across the columns, in the Acts of Parliament (iii. 326–328). It is of some length, but is substantially] an acknowledgment of the Raid of Fol. 32, b. Ruthven of August 22–23, and of all that had followed, "to have bene and to be gude, aufauld, trew, thankfull, and necessar service to his

Acta 1581–85. Hienes, and proffitable to his haill realme," with complete exoneration to the Earl of Gowry, the Earl of Mar, the Earl of Glencarne, by name, and to all their assisters of every degree, "as gif thay wer speciallie expremit be thair names," for all they had done in the enterprise.

Fol. 33, a. Printed in the Acts of Parliament, iii. 328. It is an order for the continued detention of the Earl of Arran in the custody of the Earl of Gowry in the castle of Ruthven, till it shall be certain that the Duke of Lennox has left the kingdom; after which Arran is to be at liberty to reside anywhere benorth the Erne. "Erll of Arrane commandit to be retenit."

Printed in the Acts of Parliament, iii. 328. It is an order for the levy of 200 horse and 200 foot, to be a guard for the King and the noblemen now with him "in the actioun of the reformatioun of the abuses and disorder in the estate." "That horsmen and futemen be levyed."

Order that the Earl of Mar keep William Stewart, son of Andro, Lord Stewart of Uchiltre, a prisoner in Striveling Castle, where he now is, until he find surety in the books of Council that he will, when set at liberty, remain within the bounds of the sheriffdom of Air, and will behave loyally and peaceably, or, if he fail, will enter himself before the King and Council to abide judgment, under pain of 5000 merks: the Earl to set Stewart at liberty when the said surety shall have been found. William Stewart, younger brother of the Earl of Arran, to be detained prisoner in Stirling Castle till he finds surety.

Sederunt—Andreas, Comes de Rothes; Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Joannes, Comes de Mortoun; Joannes, Dominus Ogilvie; Joannes, Dominus Hereis; Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie. Holyroodhouse, 22nd October.

Order for muster of the fencibles within the shires of Edinburgh, Haddingtoun, Linlythgow, Berwik, Roxburgh, and Selkirk, by proclamation at the market crosses of the head burghs of the same, to meet the lieutenant at Jedburgh when required, on six days' warning, with fifteen days' pro- New order for musters of the fencibles at Jedburgh and Dumfries.
Fol. 33, b. vision, for reducing the Border thieves, and for a similar muster of the fencibles within the shires of Lanerk in the Nether Ward, Renfrew, Air, Wigtoun, Drumfreis, stewartries of Kirkcudbricht and Annanderdale, and bailiaries of Kyle, Carrik, and Cunyngham, to meet the King's lieutenant at Drumfreis; lieges within the burghs of Jedburgh, Selkirk, Hawick, Peobles, Annan, Lochmaben, and Drumfreis "to prepare victuallis and uther necessares for the furnesing of the saidis lieutennentis and men ofweir."

Suit of Master James Halyburtoun, Prior of Pettinweme [also Provost of Dundee, and Privy Councillor], as follows:—"For the gude, trew, and faithfull service done be him, not onlie in defence of this realme, and

Mr James Haliburton, Sir James Balfour, and the Priory of Pittenweem.

withstanding of the foreyne ennemy to his pouer in tyme of weir, bot als in furthsetting our Soverane Lordis authoritie and service at all tymes sen his Hienes coronatioun" [*see* vol. i. p. 504, and *ante*, pp. 448, 458], his Majesty, by gift under the great seal, dated 4th December 1579, had bestowed on him the priory of Pettinweme, with all its belongings and profits, the property having come to the King's disposal "throw the proces and dome of forfaltoure orderlie led aganis Sir James Balfoure, sumtyme of Pettindreich, knycht, last priour thairof, for the horrible murther of umquhile his Hienes dearest father, and utheris tressonable crymes." Accordingly, the complainer had continued to occupy the said priory, with its lands and houses, until Sir James Balfour succeeded in obtaining the King's protection [*ante*, p. 461]; by virtue of which the said Sir James had been repossessed in the said priory, although the letters of protection were granted to him "throw wrang informatioun and suppressing of the veritie, and be the moyen of sum personis being in credite with his Hienes for the tyme." The forfaulture had not been removed by the said protection; which was not to be so interpreted, "bot only that he suld enjoy his Hienes favour as a subject quhill his Majestie mycht better understand how the said convictioun procedit, upoun just ground concerning the said murther or not" [*ante*, p. 461]. The complainer contends therefore that he should have intromission with the said priory and fruits of the same, according to the foresaid gift made to him.—The usual charge having been given to Sir James Balfoure, and to Johnne Cossar and Michaell Balfoure, his servants, keepers of the said abbey, "to have randerit and deliverit the samin to the said Maister James or his servandis in his name," or else to have appeared before the King and Council and shown cause to the contrary, and "the said Mr James Halyburtoun comperand personalie, and the saidis Sir James Balfoure, Johnne Cossar, and Michaell Balfoure, being oftymes callit and not comperand," the Lords repeat their order to the absent defenders to render and deliver the abbey within twenty-four hours after being charged, under pain of rebellion, with further order that, if they fail, they are to be denounced rebels and put to the horn.

Acta 1581–85

Fol. 34, a.

Holyrood-house, 25th October.

Sederunt—Willielmus, Comes Gowry; Robertus, Commendatarius Dumfermling; Marcus, Commendatarius de Newbottill; Joannes, Dominus Hereis; Commendatarius de Culros; Commendatarius de Cambuskynneth; Clericus Registri; Clericus Justiciare; Computorum Rotulator.

Petition of the community of Dundee that their burgh may be exempted from taxes for five years.

Supplication by the provost, bailies, council, and community of Dundie, as follows:—It is "notoure" that their predecessors and themselves "have evir bene trew and obedient subjectis to his Hienes predicessouris and himself for defence of this realme and the said burgh aganis foreyne ennemeis, and have at all tymes, in weris and necessiteis, opponit thameselffis, thair lyffis, landis, and leving for the defence thairof, to thair great wrack and herschip, and thair burgh, the kirk, tolbuith, stepill, almous

Acta 1581–85. hous, and uther commoun houssis thairof divers tymes brint and cassin downe be England, and that for the reparatioun of the same agane at all tymes thay have wodsett and spendit thair haill commoun gude, by mony sindrie taxationis maid be thameselffis to the support thairof. And lykewise trew it is that laitlie, in the last troubles, thay, for defence of thair said burgh aganis his Majesties ennemeis in the North for the tyme, have spendit and warit thair commoun gude and rentis that the samin ar yit thirlit and not fre, and yit nevirtheles in the meyntyme have reparit thair tolbuith, almous houssis, stepill, and schore, upoun thair great exhorbitant expenssis, to thair great skaith and hurt, without ony support of his Majestie and realme. And now at last thair kirk, quhairunto thay resort and have acces for hering of the word of God teatchit, is sa little and uneasie that thay of necessitie have begun to beild ane new work and kirk; and, thay and thair commoun gude and rent being sa far superexpendit and behind the hand, it is unable to thame to performe the samin, that thay ar constranit to mene thame to his Hienes and the saidis Lordis for sum support thairto, it being sa godlie a work, tending to the glorie of God and polecie of this realme, speciallie in respect that, notwithstanding of all the premissis done be thame and thair predicessoures in maner foirsaid for defence of the realme and the said burgh, thay nevir wer supportit be his Majesty, bot onely all thingis done upoun thair awin chargeis and expensiss as said is,—albeit his Hienes and the saidis Lordis at sindre tymes have supportit and gratefeit the toun of Perth, quha ar inferiour to thame in all respectis in service done to his Majestie and predicessoures for defence of the realme and utherwyse, in granting thame taxatioun of ten thowsand merkis for support of thair brig, and thair haill compositionis
Fol. 34, b in thair last air to mend thair commoun workis." The prayer of the petitioners, accordingly, is that the King and Council will exempt them and their burgh from all taxations and imposts for the next five years.—The King, with advice of his Council, acknowledging the good services of the people of Dundie, their heavy past expenditure, and their present necessity, grants the petition so far as to discharge the petitioners "of all payment of ony taxationes, stentis, and impositionis that salbe impute upoun thame and thair said burgh for the space of fyve yeris nix to cum, except sic taxationes as salbe appointit and ordanit to be upliftit for sending of ambassadoures for furthering of his Hienes mariage, to the payment of thair part quhairof thay salbe alwyse subject." Proclamation to this effect is ordered at the market cross of Dundie and elsewhere as needed.

Edinburgh, 25th October. Caution for William Stewart.

Caution in 5000 merks by William Cunynghame of Capringtoun for William Stewart, son of Andro, Lord Stewart of Uchiltre, that, when released from the Castle of Striveling, he shall repair to and remain within the bounds of Airshire till freed by the King.[1]

[1] The Ochiltree family and the Cunninghams of Caprington were connected: Lord Ochiltree's wife, the mother of the Earl of Arran and of this William Stewart, having been Agnes Cunningham, daughter of John Cunningham of Caprington.

Holyrood-house, 26th October.

The Bishop of Orkney and Lord Lindsay nominated Councillors: also the Earl Marischal, Lord Cathcart, and the Commendator of Deer, with the Earl of March at his pleasure.

Esme, Duke of Lennox, and David, Earl of Craufurd, having been licensed to go abroad for a number of years, "necessar it is that sum personis be appointit to supple thair places in thair absens, be giving thair advises and counsale in the publict effairs of the realme, that in default of a sufficient nowmer to that effect the same remane not unordourit, to the drawing on of abuse and confusioun." Adame, Bishop of Orknay, is therefore, nominated in place of the Duke of Lennox, and Patrik, Lord Lindesay of the Byris, in the room of David, Earl of Craufurd. "And attour his Majestie hes alsua nominat, and be thir presentis nominattis and appointis, [George], Erll Marschell, Allane, Lord Cathcart, and Robert, Commendator of Deir, to be of the ordinar nowmer of the Prevy Counsale; quhilkis places ar vacand, and, be the last Act of Parliament maid anent the establissing of his Hienes Counsale, left to his Majesteis awin nominatioun [Acts of Parl. 1581 c. 38, iii. 228, 229]; and siclyke appointis and ordanis his Hienes dearest and onelie greit uncle, Robert, Erll of Marche, to have place and vote in Counsale, at sic tymes as he sall happin to be present with his Majestie. And this ordour to induir ay and quhill forder ordour be tane be his Hienes with avise of his Estaittis in his nixt Parliament."[1] Acta 1581-85.

Edinburgh, 28th October.

Caution for Thomas Duncanson, minister of Bowden.

Caution by Henry Smyth, cutler, burgess of Edinburgh, for Thomas Dunkesoun, minister of Bowden, that he sall pay to Thomas Bruce, lieutenant to Captain James Bruce, the sum of £12, 13s. 4d., being his part of the late taxation for the common kirk of Lillislie.

Holyrood-house, 31st October.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Patricius, Dominus Lindesay; Allanus, Dominus Cathcart; Adam, Episcopus Orchadensis; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde; Advocatus.

New General Revocation of all infeftments, gifts, etc., alienated from the property of the Crown.

The Ratifications in Parliament of the King's Revocations of all gifts and pensions made by him out of his property, casualty, thirds of benefices, and collectory [Acts of Parl. 1579, c. 30, iii. 148, and 1581, c. 68, 69, 70, iii. 242–247], having never taken full effect, his Majesty, with advice of his Council, now deliberately, "be the tennour of thir presentis, revokis, cassis and annullis all infeftmentis, alienationis, dispositionis, giftis of lyferentis, pensionis, or uther maner or forme of rycht quhatsumevir, maid be his Hienes to quhatsumevir persoun or personis of ony landis, lordschippis, rowmes, possessionis, custumes, annuellis, fischeingis, burrow males, castell wardis, or uther thing quhatsumevir, Fol. 35, a.

[1] Three of the new councillors, the Bishop of Orkney, Lord Lindsay, and the Earl of March, were among the original Ruthven Raiders (see *ante*, p. 507, footnote). The others were adherents to them after the fact.

Acta 1581–85. quhilkis ar of the proper patrimony of his Hienes croun, and hes bene unit and annext thairto in ony tyme bigane preceding the dait of thir presentis," so that the same "may be intromittit with be his Majesteis comptrollar, chalmerlanis, and uther officiaris of his propirtie, in all tymes heireftir, begynnand at the terme of Martimes nix to cum in this instant yeir of God j^{m}v^{c}lxxxii yeris." There is excepted "the infeftment maid be his Hienes to his greit uncle, Robert, Erll of Marche, of the said Erledome, being of the annext landis to his Majesteis croun; quhilk his Hienes will not be comprehendit under this his Hienes Revocatioun, in sa far as the samyn may be extendit to the landis of the Erledome of Marche, males and dewiteis thairof, tenentis, tenendriis and service of fre tenentis of the samyn, liand within the schirefdome of Berwik allanerlie." His Majesty likewise revokes and annuls "all dispositionis, lyferentis, or pensionis disponit be his Majestie, or ony utheris in his name, furth of the commoun kirkis, thridis of benefices, superplus or omittit; swa that the generall collectour, his deputtis and officiaris, may intromet thairwith to his Majesteis use, utilitie, and proffeit at the tyme foirsaid and in tyme cuming, as gif the samyn had nevir bene maid nor disponit: providing alwayis that in this Revocatioun be not comprehendit the ordinar stipendis assignit to ministeris for thair techeing and residence at thair kirkis quhairof thay have charge allanerlie, and siclyke the assignatioun of the thridis of the bishoprik of Caithnes and pryorie of Sanctandrois, assignit to his said dearest uncle, togidder with the thrid of the abbacie of Abirbrothok, assignit to his dearest cousing, Esme, Duke of Lennox (the charge of the ministerie thairof alwayis being interteneit)." Further, his Majesty revokes and annuls "all and quhatsumevir giftis of lyferent, pensioun, feall or uther thing quhatsumevir, gevin and assignit be his Hienes, or ony utheris in his name, furth of the thesaurarie, cunyehous, or uther his casualtie, swa that the samyn may returne to his Hienes awin use at the terme foirsaid, and in all tyme cuming (the feis of his Majesteis ordinar officiaris admittit in his Hienes chekker comptis exceptit allanerlie)." This Revocation to have full effect from the date hereof, with provision that, "gif ony persoun be importunitie sall move his Majestie to renew ony infeftment, alienatioun, gift of lyferent, assignatioun, pensioun or rycht quhatsumevir," contrary to the tenor hereof, "the obtenar of the samyn salbe astrictit in compt, reknyng and payment thairof to his Majesteis ordinar officiaris, as gif the samyn infeftmentis, alienationis, dispositionis, gift of lyferent, pensioun or uther rycht quhatsumever, had nevir bene gevin nor grantit," and also that, if the auditors of his Majesty's chekker admit or allow any such infeftment, gift, etc., "thay salbe answerabill and addettit to his Majestie of thair awin propir gudis for sa mekill as thay allow thairof:" the obtainers of such alienations nevertheless not to be relieved thereby, but to be liable to pursuit all the same. The Lords of Council and Session are required to do their part in carrying out this Revocation; and proclamation of the same is to be made at the market crosses of the head burghs of the realm.

Holyrood-house, 3rd November.

Order for a general muster of fencibles to meet the King in person, for action against the Border thieves.

The King, "understanding, be the dalie complaintis and lamentatioun cuming to his earis, the greit disordour of the thevis and wickit people inhabiting the cuntreis ewest the Bordouris to be growin sa greit, be frequent slauchteris, bludesched, fyre-rasing, and oppin reiffis, thiftis, and oppressionis, not onelie committit be thame within England to the dangeare of the peace, bot within this realme upoun the inhabitantis of his Hienes propir landis, and utheris his gude and peciabill subjectis, evin to the portis of Edinburgh and the place of his Majesteis awin residence," is resolved, God willing, "to se the proude insolence of the saidis thevis, thair resettaris and mantenaris, repressit," and means, for that purpose "to pas in proper persoun towart the Bordouris, accumpaneit with a sufficient power of his nobilitie and gude subjectis." A muster is therefore proclaimed of the fencibles, from sixty to sixteen years of age, within the bounds of the shires of Edinburgh, Haddingtoun, Berwik, Selkirk, Roxburgh, Peblis, Lanark, Drumfreis, Wigtoun, Air, Renfrew, Dumbartane, Tarbert, Linlythquow, Striveling, Clakmannane, Kinros, Fyff, Perth, Forfar, and Kincardin, stewartries of Kirkcudbricht, Annanderdaille, Menteith, Stratherne, and bailieries of Kyle, Carrik, and Cunynghame, to meet the King at Peblis, well armed and provided with one month's victuals, upon the 26th of November inst., "for persute and invasioun of the saidis thevis, thair manteinaris and resettaris, with fyre and swerd, quhill thay be repressit and reduceit." The penalty of disobedience is to be loss of life, lands, and goods. Acta 1581-85. Fol. 35, b.

Holyrood-house, 10th November.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde.

Bishop of Orkney and his wife, against Eupheme Lamb, William Leirmonth, Mr Patrick Hepburn, and a number of others.

Complaint of Margaret Murray, spouse of Adam, Bishop of Orknay, commendator of Haliruidhous, with the said Commendator for his interest, as follows:—"Ewfame Lamb in Hill, and William Leirmonth, hir sone, be thameselffis, thair servandis, complices, and utheris in thair names, of thair causing, command and assistance, but ony caus or offence done be the said complinar to thame (except thay wald call hir persute in justice ane offence), hes divers tymes within this yeir bipast, be way of plane brigancy and in revenge as it wer of the decreittis obtenit be the said complenar aganis thame, invadit hir landis, possessionis, tenentis and servandis, in manassing and boisting of thame to tak thair lyffis in cais ony of thame suld occupy hir saidis rowmes and possessionis, tending thairby to lay the samyn waist. That is to say, the said Williame, in the moneth of November last wes, accumpanit with George and Robert Hepburnis, his gude brethir, Alexander Leirmonth of the Drem, with divers utheris, under clude of nycht, be way of hamesuckin, set upoun Williame Neilsoun, the said complenaris hynd of Stanelawis, intendand to brek his dur, and planelie profest that thay suld have his lyff for that he

Acta 1581–85. durst be sa bauld and hardy to hald ane pleuch thair: quhilk thay wald not faillit to have done, except that, be the cuming of the men of Murelawis and utheris townis adjacent rysing to the fray, the said Williame wes relevit. Lyke as alsua, at the same tyme, the saidis personis, accumpaneit with thair complices, come to the mylne of Lintoun, pertening to the said compliner in lyverent, and thair in lyke maner sutit Johnne Blak, myller thairof, and wald have brokin up his durris, threatning him that, in cais he remanit at the said mylne or did serve thairat, to have his lyff. And, becaus the said Johnne obeyit not thair command, the said George Hepburne, in the moneth of thairefter, come to the said Johnne Blak foranent his awin hous; quhair, efter he had reprocheit him how he durst mak service at the said mylne, gaif him sa mony bauch straikis with ane roung that he wald not faillit to have slayne him at that same tyme, wer not be intervening of nychtbouris he wes red out of his handis, with the greit hazard of his lyff and hurt of his body. And siclyke, upoun the fourt day of October instant, the said Williame Leirmonth, George and Robert Hepburnis, be thameselffis and utheris thair complices, of thair causing, to the nowmer of fifty hors, all bodin in feir of weir, with jakkis, pistolettis, harquebuzes, and speris, come to the saidis complenaris landis of Stanelawis and barne of the samyn, quhairof the said Robert Hepburne had takin the key; quhairintill thay enterit with thair hors, and, remaining ane greit space thairin, destroyit ane great part of the said complenar and the said Williame Neilsonis cornis, taking and casting the samyn to thair horsis; and, not satisfeit thairwith, tuke the said Williame Neilsoun, being ane decrippit aigit man, eftir greit mannassing and boisting of him, preissing him to sweir upoun the croce of ane swerd that he sould nevir had pleuch thair agane. Quhilk cuming to the said Margaret Murrayis knawlege, scho past to the saidis landis of Stenelawis, quhair scho fand the foirsaid nowmer of personis accowterit in maner foirsaid, all mussallit, and demandit quhilk of thame wald avow sic wrang, quhairthrow scho mycht sute redres thairof be the law. Thair answer wes, eftir mony injurious wordis gevin hir, thay regardit not hir nor all hir law, nayther yit all that wald assist hir, avowand planelie that scho sould nevir get redres thairof; and immediatlie thairefter the saidis personis went to the said mylne of Lintoun, to have slayne the said Johnne Blak, millar, thairatt; quhilk thay wald not have faillit to do gif thay had gottin him, bot in respect of his absens eschapit thair furious handis at that tyme. Quhairby thay being movit to ane hiear indignatioun, and chesand ane bettir tyme, laitlie, upoun the xiiii day of the said moneth of October instant, within silence of nycht, come to the said Johnnes dwelling hous, and, efter thay had brokin up his dur in pecis, begynning thairat with jaistis, gaif the said Johnne Blak and his wyff sa mony greit straikis with thair handis and feit that thay wer bayth left evill handillat, and had murtherit thame schamefullie in the hous, wer not the spedy recours of sum gentilmen about rysing to the fray; swa that sen that tyme the said myllar durst nevir remane in his awin dwelling hous, nayther

yit the said Williame Neilsoun dar skairslie abyde in his hous bot with greit hazard of his lyff; quhairby thay on na wayis dar occupy the saidis rowmes quhilkis thay have of the said Margaret and hir said spous, and the saidis rowmes alluterlie in dangeare to ly in waist, the saidis personis continewand still in thair malice and not responsall for sic actionis quhen thay salbe persewit thairfoir."—Charge to appear and answer, under the pain of rebellion, had been given to "Ewfame Lamb, Williame Leirmonth, George and Robert Hepburnis, Alexander Leirmonth, Maister Patrik Hepburne of Smetoun, Alexander Sinclair, sone to umquhile Williame Sinclair, sumtyme in Gosfurdmylne, Patrik Leirmonth in Abirlady, Johnne Lowry in Ballincreif, Johnne Sinclair, sone to Alexander Sinclair in Ballincreif, Alexander Leirmonth in Drem, Johnne Leirmonth in Ersiltoun, George Hoppringill, callit the Cokir in Michelstoun, Williame Leirmonth, baillie depute of Kelso, Robert Leirmonth, his eldest sone, William Leirmonth in Littill Newtoun, James Leirmonth in Faircroce, Robert Leirmonth, his broder thair, Johnne Scot in Kelso, Robert Hog thair, Andro, *alias* Dand, Young in Lempetlaw, Mark Young thair, Andro, *alias* Dand, Davidsoun thair, Alexander Leirmonth, broder to Lard Leirmonth, Andro Leirmonth in Courtzet, Adam Leirmonth, sone to William Leirmonth in Littill Newtoun, Lancy Ker thair, Andro, *alias* Dand, Thomsoun in Kelso, Alexander Persoun, James Leirmonth, secund sone to the said William Leirmonth, baillie depute of Kelso, and Andro, *alias* Dand Gledstanis in Sproustoun;" and now, Adam, Bishop of Orknay, appearing for himself and his wife, and "the saidis Alexander Sinclair, Patrik Leirmonth, Johnne Lowry, Johnne Sinclair, sone to the said Alexander Sinclair in Ballincreif, Ewfame Lamb, Maister Patrik Hepburne of Smetoun, George Hepburne, and Robert Hepburne, his broder, comperand all personalie," but the rest of those summoned, including Johnne Chatto, "wobstar," not appearing, the Lords [1] order the eight defenders who have appeared to find caution for their future peaceable behaviour towards the complainers, Mr Patrik Hepburne in 500 merks, and the others in 300 merks each, the macer of the Council charging them to remain in Edinburgh till the surety is found, under pain of rebellion; [2] order all the defenders who have not appeared to be denounced rebels and put to the horn.

Acta 1581–85. Fol. 36, a.

Order against transporting treasonable letters or passengers from and to Scotland.

Treasonable letters and messages having been carried to and from Scotland, skippers are forbidden to carry forth passengers without the King's special licence, or to import passengers without presenting them and their letters before the King and Privy Council [Reg. Priv. Coun., vol. ii. pp. 206, 207]; and, if in future any persons suspected of carrying such letters or messages prejudicial to the true religion or the King's person and authority shall arrive within the realm, "his Majestie in that cais gevis and grantis be thir presentis full power and commissioun, expres bidding and charge, to all and sindry erllis, lordis, baronis, shereffis, stewartis, provestis, and baillies of burrowis, to serche, seik, and tak the same personis quhairevir thay may be apprehendit within thair boundis and jurisdic-

Acta 1581-85. tioun, and thame to keip in suir firmance and captivitie, ay and quhill thay understand his Hienes will and pleasour towartis thame, and thair letters, bukis, and writtis direct to his Majestie to be sene and considerit." Command is to be given to the lieges to assist the said functionaries in the business, and make no impediment, at thair uttermost charge and peril.

Fol. 36, b. Caution in 500 merks by James Douglas of Clappertoun for James Hamiltoun of the Peill of Levingstoun, that he will not hurt Robert Falconar in Kincavill and Johnne Falconer there, servants and tenants to Sir James Stewart, captain of Blaknes, thair wives, bairns, or servants. Caution for James Hamilton of the Peel of Livingstone.

Caution by Patrik Dowglas of Kilspindie for Johnne Douglas in Crawmond in £100, and for Alexander Douglas, his son, in 100 merks, that they will not hurt Johnne Houstoun, Robert Logy, Thomas Mowbray of Cammok, and the remaining parishioners of Crawmound, their wives, bairns, or servants. Caution for John Douglas in Cramond and his son.

Caution by Archibald Hoppringhill, burgess of Edinburgh, in £200 each, for Ewfame Lamb, relict of Johnne Leirmonth in the Hill, Johnne Sinclair in Ballincreif, Johnne Lowry there, Patrik Leirmouth in Abirlady, and Alexander Sinclair there, that they will not injure Margaret Murray, spouse of Adam, Bishop of Orknay, her said spouse, or their tenants and servants, in person, lands, or goods: Mr Johnne Leirmonth, advocate in Edinburgh, obliging himself to relieve the cautioner [see *ante*, p. 524]. Edinburgh, 11th November. Caution for Eupheme Lamb and others.

Caution to the same effect by George Carkettill, burgess of Edinburgh, in 500 merks for Mr Patrik Hepburne of Smetoun, and in 300 merks for Robert Hepburne, his brother; and by Williame Fischeare, burgess of Edinburgh, in 300 merks, for George Hepburne, brother of the said Mr Patrik [see *ante*, p. 524]. Cautions for Mr Patrick Hepburn of Smeaton and his brothers.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Patricius, Dominus Lindesay; Allanus, Dominus Cathcart; Robertus, Commendatarius de Dunfermling; Adam, Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde. Holyroodhouse, 12th November.

Charge had been given to Johnne, Earl of Mortoun, Lord Maxwell, Johnne, Lord Herries, James Douglas of Drumlangrig, Master Robert Douglas, provost of Lintcluden, Johnne Johnnestoun of that Ilk, and Alexander Jarden of Apilgirth, to appear personally before the King and Council on a certain day bypast, under pain of rebellion, "to have gevin thair gude advise and counsale quhat forme and ordour thay sould think maist meit to have bene followit out for stancheing of the stowthis, reiffis, herschippis Fol. 37, a. and oppin rubbereis of the thevis and brokin men, inhabitantis of the Order to denounce the Earl of [Morton (Lord Maxwell).

Bordouris." The four last-named had appeared personally, and "produceit and gaif in writ thair advise twecheing the quieting of the saidis Bordouris," and Lord Hereis had appeared by William, Master of Hereis, his son, who had likewise given in his advice in writing to the same effect. But, the Earl of Mortoun "being oftymes callit and not comperand," the Lords order him to be denounced rebel and put to the horn. Acta 1581–8

Holyrood-house, 14th November.

Sederunt—Domini ut in die predicto.

Revocation of the King's gift of Hallyards and Hallbarns to John Seton, son of Lord Seton.

His Majesty, "sittand in Secrete Counsall," and "havand consideratioun of the greit hurt and lesioun sustenit be his Hienes in the annaleing and putting away of the landis of Halyairdis and Halbarnis, with the tour and fortalice, maner place, yairdis, and pertinents thairof, liand within the barony of Listoun and sherefdome of Edinburgh, disponit be his Hienes in his minoritie and les aige to Johnne Seytoun, sone to George, Lord Seytoun, or to quhatsumevir uther persoun or personis, as becumin in his handis throw forfaltour of umqhile James, sumtyme Erll of Mortoun, or utherwyis be inhabilitie of Douglas, sone to the said umquhile James," now therefore, with advice of his Council, "hes revokit, cassit and annullit, and be the tennour heirof revokis, cassis and annullis, for his Hienes and his successouris, all and quhatsumevir infeftmentis of the saidis landis of Halyairdis and Halbarnis, with the tour, fortalice and utheris foirsaidis, maid and disponit to the saidis personis or ony utheris befoir the day of thir presentis, with all that hes followit or may follow thairupoun." All such dispositions are pronounced "extinct and expyrit" without further declaration of law on the subject; and all persons to whom they were made, with their servants and agents, are discharged from "forder intrometting with" the said lands, their produce, or profits.

Holyrood-house, 15th November.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Adam, Episcopus Orchadensis; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottill; Adam Commendatarius de Cambuskynneth; Computorum Rotulator; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde; Prioratus de Blantyre.[1]

Order for future trial of Highland and Border criminals in the Tolbooth of Edinburgh.

"The quhilk day the Kingis Majestie, with avise of the Lordis of Secreit Counsale, hes thocht gude, concludit, and resolvit, that all and quhatsumevir personis, alsweill inhabitantis of the Bordouris, Hielandis, as utheris partis of this realme, quhilkis hes committit or at ony tyme heireftir sall commit thift, reif, stowth, fyre-rasing, oppin rubbereis, oppressionis, and utheris capitall crymes quhatsumevir, salbe callit to underly his Hienes lawis

[1] A designation in old Latin for Walter Stewart, Prior of Blantyre, who now appears for the first time as a Privy Councillor. He held the office of Privy Seal, formerly held by George Buchanan.

Acta 1581–85. thairfoir in the tolbuith of Edinburgh upoun sic particular dayis as the complenaris sall desire to be appointit to that effect, and justice ministrat as efferis, and that thair landislordis and maisteris be likewyis chargeit to entir thame at the same dyettis, conforme to the generall band and under the panis contenit in the samyn, and, in cais of failye, thay to be persewit and puneist conforme to the tennour of the same band, practik and ordour observit in sic caissis; and ordanis the justice-clerk or his deputtis to direct letters to this effect als oft as thay sal be requirit thairto be the saidis complenaris or utheris havand interes, and to proceid and minister justice as use is, but delay or continewatioun, as thay will answer upoun thair offices."

Sederunt—Ut in die predicto.

Holyrood-house, 16th November.

Decree of forfeiture of caution against the Earl of Morton.

James, Earl of Mortoun, having given caution on 15th October 1580 for the entry of Cristie Armstrang of Auchingavill and Robert Armstrang, his brother's son, before the Council when required, under the pain of £2000
Fol. 37, b. for each [*ante*, p. 325], and they not having been presented according to the charge given, the Earl is declared liable in the penalties.

Decree to the same effect against the same Earl for not having presented Thom Armstrang, Aby Armstrang of the Gyngillis, and Johnne Batie of the Scoir, for the entry of whom he had became cautioner in £1000 for each [*ante*, p. 486]. Both decrees deleted by warrants dated 18th December 1583.

Sederunt—Domini ut in die predicto.

Holyrood-house, 17th November.

Act in favour of Mr John Colville.

Supplication by Master Johnne Colvile, chantor of Glasgow, as follows: —"Sen his Majesteis coronatioun, the said Maister Johnne hes evir constantlie, to his meane abilitie, remanit ane faythfull servand to his Hienes croun, and for the same hes sufferit sindry greit oppressionis be the innymeis thairof; upoun quhilk respect it pleasit his Majestie, at the acceptance of the governament in his awin persoun, to admit the said Maister Johnne in his houshald and to promote him to the office of Requeistis; quhairin he continewit weill neir the space of thre yeir, till his Hienes, for uther gude caussis he doubtis not, thocht expedient to place Maister Mark Ker in that service: quhairof the said Maister Johnne wes than, and yit is, maist hartfullie contentit, understanding his Hienes pleasour sa to be; and, for significatioun of his dewtifull zeale and affectioun to the quietnes of his Majesteis estate, and fearing leist the grudge remaning betuix thame sould engenner amangis thame, and for thair caus betuix sindry nobill men, thair favoureris, sum commotioun quhairby his Majestie mycht have bene troublit, rather nor for the said Maister Johnnes caus sic inconvenientis sould have ensewit, he chesit rather with his awin consent and gude lyking, at the sicht of the Clerk of

Register, and Maister Johnne Scharp, dene of the advocattis of sessioun, to renunce, quitclame, and discharge the said office, and to entir in loving friendschip with the said Mr Mark." He humbly prays therefore "that he mycht still remane his Hienes domestik servitour, and that command mycht be gevin to the maisters of his Hienes houshald to that effect; as alsua that it mycht pleis his Majestie and the saidis Lordis that he mycht have acces and place in the Secreit Counsale and be employit in the effaris appertening thairto, and that he mycht have his Hienes promeis, *in verbo principis*, of the first vacand place in sessioun till sum uther gude office or occasioun be presentit."—Which prayer having been considered, his Majesty, with advice of the Council, grants all the parts of it, [1] admitting the petitioner "to be ane of the nowmer of his Hienes domestik servitouris"; [2] ordaining him "to have sic acces and place in his Majesties Secreit Counsall, and to be employit in the commoun effaris appertening thairunto at all occasionis neidfull"; [3] promising *in verbo principis* "to present and caus him be admittit to the first place in his Hienes sessioun quhilk sal happin to vaik,"—all in consideration of his past good deserts and the prospect of his good service farther.[1] Acta 1581– Fol. 38, a.

Robert Gourlaw of Edinburgh to continue in the "uptaking" of the customs till the 10th of December.

"Forsamekle as the Kingis Majestie, with avise of the Lordis of Secreit Counsall, at the humill and ernist desire of certane commissionaris of the burrowis of this realme, and upoun promeis maid be thame to returne schortlie with ampill commissionis fra thair nychtbouris for satisfeing his Majestie in sic thingis quhairin he hes bene and presentlie is prejudgeit anent his custumes, hes ordanit and be the tennour heirof ordanis and commandis Robert Gourlaw, custumar of Edinburgh, to continew in uptaking of the custum of all gudis transportabill furth of this realme, as hes bene accustumat thir lait yeris bigane, without ony alteratioun, unto the tent day of December nix to cum; providing alwayis that, gif his Majestie beis not satisfeit in the said mater betuix and the said day, that the last Act of Parliament maid anent the saidis custumes salbe put to executioun thairefter, and that fra the dait of the same Act to the day foirsaid and at all tymes thairefter."

Prorogation of the intended muster at Peebles.

Notwithstanding the proclamation for a muster at Peebles for action against the Border thieves upon 26th inst. [*ante*, p. 524], yet, "in respect that the answer of the Quene of England is not returnit twicheing the assistance of hir wardanis and officiaris in the prosequutioun of the saidis thevis and

[1] The Mr John Colville, whose previous history is so far sketched in this entry, had been one of the ministers of the Kirk, and had in that capacity become Chantor of Glasgow; but his turn of mind was secular, and he had been under kirk censure for neglecting, and at length abandoning, the ministerial office (Calderwood, iii. 350, 430). A relation of Colville of Cleish and Colville of Easter Wemyss, he had been active with them in the Ruthven Revolution, though his name does not appear with theirs in the Band prefiguring the Raid (*ante*, p. 507, footnote); and now the Government of the Ruthven Raid desired to employ him as an agent at the English Court. He was to be a busy man henceforward.

Acta 1581-85. brokin men," and in respect also "that certane of the principallis of the Bordouris hes promissit to enter thair men and servandis complenit upoun befoir the justice and his deputtis in the tolbuith of Edinburgh, and that the souirteis of the personis that wer plegeis and utherwayis lattin upoun band ar not yit chargeit to entir, quhilk can not convenientlie be done befoir the said day," it is therefore thought good to prorogate the said muster till the 26th of December next. Proclamation to that effect is ordered within the sheriffdoms included in the former proclamation, charging the lieges to meet "his Hienes or his lieutenent," with arms and provisions as there ordered, on the 26th of December, instead of the 26th instant.

Sederunt—Domini ut in die predicto.

Holyrood-house, 19th November.

The Earl of Morton superseded in the Wardenship of the West Marches, and Johnston of that Ilk appointed.

"The Lordis of Secreit Counsall, in respect of the slewthfulnes usit be Johnne, Erll of Mortoun, Lord Maxwell, in the executioun of his office of wardanrie, be not punissing of the brokin men dwelland under his charge for the maisterfull reiffis and stowthis committit be thame, and of his dissobedience in not comperance befoir the Kingis Majestie and the saidis Lordis at certene dayis appointit to that effect, to have answerit thairupoun, and to have underlyne sic ordour as suld have bene appointit in that behalf [*ante*, p. 527], hes fund meit thairfoir, concludit and resolvit, that Johnne Johnnestoun of that Ilk salbe burdynnit with the acceptatioun of the said office of wardanrie, and the samyn disponit to him upoun the conditionis mentionat in the Lord Hereis buke [*ante*, pp. 77–82], and that the offeris gevin in be him thairanent be sene, considderit and tane ordour with as appertenis.

That all sic personis as will allege thameselffis to be under feid or unkyndnes with the said Lard of Johnnstoun, and in that respect will desire to be exemit, the same salbe grantit, thay findand souirtie that thay and thair men salbe answerabill for releif of King and warden, as alsua for making redres to the subjectis of Scotland for ony offence committit and to be committit aganis thame, according to the conditionis maid the tyme of the Lard of Cesfurdis acceptatioun of the keping of Liddisdaill [*ante*, p. 347]; and that the Lordis of Sessioun be requirit on na wayis to grant the said exemptioun unto the tyme the personis cravand the samyn first find the said souirtie actit in the bukis of Secreit Counsale and that the act maid thairupoun be produceit and sene be the saidis Lordis and thair deliverance upoun the bak of the supplicationis to mak mentioun of the same.

That the personis for quhome the plegeis lay for quhilkis hes committit ony offences sen the entre of the saidis plegeis be callit to underly the law thairfoir at particular dyettis at Edinburgh, and, in case of thair not entre or convictioun, that thair souirteis be callit for the entre of the saidis plegeis, and, failyeing of thair entre, thay to be persewit and the panis contenit in the Actis maid thairupoun to be uptakin and inbrocht to the Kingis Majesteis use."

Sederunt—Ut in die predicto. Acta 1581–8

Holyrood-house, 24th November.

William Reidpath of Greenlaw and William Stewart of Caverston found to have forfeited their caution: penalty modified.

Tryamour Reidpeth of Crumrig, near kinsman of Williame Reidpeth of that Ilk, and of Williame Reidpeth of Angelraw, and Mr David Makgill Fol. 38, b. of Neisbit, King's advocate, represent that, although Williame Reidpeth of Grenelaw, as principal, and Williame Stewart of Caverstoun, as surety for him and also for Adam Reidpeth of Westraw, had obliged themselves in a caution of £2000 that the said Reidpeth of that Ilk and Reidpeth of Angelraw, with their friends, should be harmless in their bodies and goods of the said Williame and Adam and of their followers [*ante*, p. 317], yet on the 26th and 30th July [1581] the said William Reidpeth of Grenelaw, aided by Alexander, James, David, and William, his sons, and others his tenants and servants, slew a horse and mare belonging to the said complainer, Tryamour Reidpeth, and assaulted two of his servants, James Fogo and James Abernethy. The trial of this offence had been remitted on 8th February last to the sheriff of Berwik and his deputes [*ante*, p. 445]; who, by a decree dated the 6th of July last, "hes decernit the said Williame Reidpeth of Grenelaw to have done wrang in the maisterfull slaying of the said hors and meir be himself, his sonnis and complices," as well as "in the troubling, dinging, and invading, of the saidis servandis at the days respective abonespecifeit."—Accordingly, the said Williame Reidpeth of Grenelaw, as principal, and Williame Stewart of Caverstoun, as cautioner, having been summoned before the Privy Council to hear it decerned that the said act of caution has been contravened, and therefore that they have incurred the said penalty of £2000, and the principal appearing personally, as also the complainer and Mr David Makgill, but the cautioner not appearing, the Lords, in respect of the said sheriff's judgment, pronounce that the said act of caution has not been observed by the said Williame Reidpeth of Grenelaw, and therefore that he, as principal, and Williame Stewart, as cautioner for him, have incurred the said pain of £2000. "Notwithstanding, respecting the present estate of the said Williame Reidpeth, togidder with the forme and maner of the offence done and committit in maner foirsaid, for the quhilk gif extremitie salbe usit in uptaking of the said pane, he salbe utterlie wrakkit, and willing thairfoir to use sum lenitie in hoip of his gude behaviour in tyme cuming," the Lords adjudge the said principal and his cautioner to pay only 400 merks, the one half to go to the King, and the other half to the said Tryamour, Fol. 39, a. "as party grevit."

Holyrood-house, 29th November.

Caution for George Douglas of Rungawy.

Caution in £10,000 by George Dowglas of Rungawy, as principal, and Williame Douglas of Lochlevin, as surety for him, that the said George shall appear before the Council when warned, and in the meantime that he shall have no dealings with any of the "declarit tratouris," to the prejudice of his Majesty's authority and the "religioun presentlie professit."

Acta 1581–85.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Allanus, Dominus de Cathcart; Robertus, Commendatarius de Dunfermling; Adam, Episcopus Orchadensis; Adam, Commendatarius de Cambuskynneth; Clericus Registri, Clericus Justiciarie; Computorum Rotulator; Prepositus de Dunde, Prioratus de Blantyre. Holyrood-house, 30th November.

"The Kingis Majestie and Lordis of Secreit Counsale, considering the present necessitie of his Hienes hous, and that the Martimes maillis last bipast of his Majesteis propirtie is ellis assignit for the payment of sum debt and superexpenssis in tyme begane; quhairthrow, for the furnissing of his Majesteis hous presentlie and in tyme cuming, necessar it is that his Hienes victuallis of the Erledome of Ros and Lordschip of Ardmachar of this present yeir, extending to four scoir and fyvetene chalder, be presentlie sauld and maid penny of; thairfore his Majestie, with avise of the saidis Lordis, ordanis Johnne Fentoun, his Hienes comptrollar, to sell the said victuall presentlie for twa merkis the boll owerheid, and he to tak securitie of the marchantis byaris thairof, that, in cais victuall sall ryis to ane hiear pryce heireftir, and that the Lordis auditouris of chekker in that consideratioun sall appoint alsua ane hiear pryce upoun the foirsaid victuall, that the said marchant, upoun the same respect, sall content and pay to the said Johnne the sowme quhatsumevir to be appointit be thame as said is." Order to John Fenton, Comptroller, concerning sale of the victual of the Earldom of Ross and Lordship of Ardmannoch.

Caution in 2000 merks by David Clapen in Leyth and Johnne Irwing of Kynnok, in Channonry of Ros, for Coline M^c^Kenze of Kintaill, that he shall deliver the Castle of Strome to Donald M^c^Angus M^c^Allister of Glengarry, in the event of the Privy Council finding that he should do the same [see *ante*, p. 505]. Edinburgh, 2nd December. Caution for Colin Mackenzie of Kintail.

Sederunt—Domini ut in die predicto. Holyrood-house, 5th December.

The King and Council "ar suirlie informit that thair is greit convocationis and gadderingis of his Hienes subjectis in sindry partis of this realme, and sum alreddy massit togidder in armes within schort space to the place of his Hienes residence, of mynd as apperis to attempt sum heich interpryis." Proclamation is therefore ordered charging "all and sindry erllis, lordis, baronis, frehalderis, and substantious gentilmen, dwelland within the boundis of the sherefdomes of Edinburgh principall and within the constabularie of Haddingtoun, Berwik, Roxburgh, Selkirk, Linlythquow, Striveling, Perth, Fyff, Clakmannan, and Kinros," to gather in arms, with provisions for fifteen days, round his Majesty in Edinburgh,—those of the six sheriffdoms first named upoun the 10th of December instant, and those of the last four sheriffdoms upon the 12th,—under pain of "tinsell of lyff, landis, and gudis."[1] Order for a muster of the gentlemen of the south-eastern and central shires round his Majesty to resist some "heich interpryis."

[1] The explanation of this order is that the Duke of Lennox had not yet gone abroad. After lingering in various parts, he had come on the 4th of December from Callander to

Acta 1581–8

Sederunt—Ut in die predicto.

Holyrood-house, 8th December.

The Earl of Morton again denounced rebel on a new charge.

Complaint by James Tenent of Hairhoip against the Earl of Mortoun, as follows:—On "Alhallowevin last wes, Quintene Armstrang, callit Pawtonis Quintene, Sym Armstrang, callit Geordeis Sym, Nick Littill, callit James Nicke, Nicke Littill, callit Ingreis Nicke, David Littill, callit Wattes Davie, Fol. 39, b, in the Clois, Alexander Littill in Fingland, Niniane Armstrang in the Bas, and Will Littill, callit the Dukis Pykie, in the Rig, all within the boundis of Ewisdaill and Niddisdaill, under the jurisdictioun and office of Johnne, Erll of Mortoun, Lord Maxwell, warden and justice of the West Marches of this realme, and being his propir men, tenentis and dependaris," had come, with their accomplices, "commoun and notorious thevis," under silence of night, to the complainer's lands of Hairhoip in Tweddell, "and thair thiftuouslie staw, reft and awaytuke sex scoir and ten yowis and weddiris pertening to him."—Charge having been given to the Earl to appear and answer, under pain of rebellion, and he having failed to appear, while the complainer appears personally, the order is to denounce the Earl rebel and put him to the horn.

Prorogation of the day for the departure of the Duke of Lennox out of the realm.

The King, out of clemency and favour, "and to tak away all forder excuse, delay, or subterfuge," has, with advice of his Council, "prorogat the departing of Esme, Duke of Levinax, furth of this realme unto the xv day of December instant." Intimation to that effect is to be made to the Duke, with intimation to him also of the following arrangements for his journey:—"That he sal be removit frome the castell of Blaknes, quhairin he presentlie remanis, with sic convoy as salbe appointit to him be his Hienes, upoun Twysday nixt, the xi day of this instant, to the burgh of Hadingtoun, and fra thyne upoun the morne thairefter to Langtoun, Broxmouth, or Dunglas, as he sall pleis best, and thair remane quhill the said xv day; betuix and the quhilk tyme he sall ressave sic thingis as ar necessar for his provisioun in his jornay to the partis of France; and upoun the same day to entir within the toun of Berwik, and swa furthwart, using the benefite of the saulf conduct grantit be the Quene of England quhill he be at the partis foirsaid." Should he depart from this programme, or attempt any commotion or convocation of the lieges, he is to be "denunceit his Majesteis rebell and put to the horne, and all his movabill gudis eschetit, etc.," and further, Blaknes Castle, or any other castles or houses he may chance to occupy after the assigned date, "salbe chargeit to be randerit under the pane of tressoun, and, in cais of not randering, to be

Blackness, "pretending he was upon his journey; but in the meane time had he an intentioun to seaze upon the palace of Halyrudhous, and the toun of Edinburgh unawars also, as was bruted. Sindrie of his confederats came with armed companeis, some to Restalrig, some to the Potterraw, and some about the West Port: Maxwell [*i.e.*, Morton], Newbottle, Phairnihirst, Sir Johne Seton, the Maister of Livingston, the Laird of Traquair, and sindrie others. Strait watche was keeped both in the Toun and the Abbey" (Calderwood, iii. 691).

Acta 1581–85. assegeit and persewit with fyre, swerd, and all uther kynd of hostilitie." Proclamation is also to be made to the lieges "for following and persute of him, his mantenaris, resettaris, and furnissaris of meit, drink, hous, or herbry, in quhatsumevir part of this realme, with all kynd of rigour and extremitie."

Tenants of Ettrick Forest against the Earl of Morton: he is denounced rebel on this charge also.

Complaint against the Earl of Mortoun by "Thomas Dalgleische in Dewchar, Johnne Dalgleische, his sone, Johnne Dalgleische in Quheithoip, Margaret Lowis, relict of umquhile Johnne Scot in Montberngier, Williame Scot thair, and Adam Scot, his sonnis, tenentis of his Majesteis propir landis of Ettrik Forrest."—They state that on the 30th of October last "Francy Armstrang, callit Kynmonthis Francy, Johnne Armstrang in the Hoilhous, eldest sone to Johnnes Cristie, Cristie Armstrang, callit young Cristie, his broder, Willie Irwing, servand to Johnne Cristie, Johnne Armstrang, callit Castellis, sone to Will of Kynmonth, Armstrang, callit Wallis, his broder, Jok Armstrang, callit of Casfeild, Hector Armstrang in Stutholme, warden officiar, Niniane Armstrang, callit Sandeis Niniane, Archibald Armstrang, his broder, George Armstrang, callit of Casfeild, and Ade Batesoun, houshald men, servandis, and of the garesoun of Johnne, Erll of Mortoun, Lord Maxwell, warden and justice of the West Marche of this realme, at the leist his men and tenentis dwelland upoun his landis and heritage or within the boundis and jurisdisctioun of hes office, accumpaneit with Richie Grahame, callit Richie the . Englisman, and certane utheris thair complices, commoun thevis, to the nowmer of nyne scoir personis or thairby, all bodin in feir of weir, come, under silence of nycht, first to the saidis landis of Eister Montberngier, pertening to the Kingis Majestie in propirtie as said is, and thair thiftuuslie staw, reft, and awaytuke xviii scoir of scheip, togidder with the haill plenissing of thair hous, estimat worth twa hundreth merkis, pertening to the saidis Margaret Lowis, Williame and Adame Scottis, as thair awin proper gudis and geir; and immediatelie thairefter come, that same nycht, to the saidis landis of Dewchar, and thair thiftuuslie staw, reft and awaytuke furth thairof xxii^{xx} of scheip, xxiiii ky and oxin, and plenissing worth ane hundreth merkis, pertening to the saidis Thomas and Johnne Dalgleisis; and furth of the saidis landis of Quheittop, twa hundreth scheip . ky and oxin, and thre hors, togidder with insicht and plenissing worth ane hundreth merkis, pertening to the said Johnne Dalgleische in Quheittop; lyke as the saidis
Fol. 40, a. personis at the same tyme put violent handis in the personis of the saidis Thomas Dalgleische and Adame Scott, and tuke and transportit thame perforce away in Annanderdaill; quhairin, and sumtymes in England and sic uther partis as thay think gude, thay retene thame as yit in maist strait presoun and captivitie in irnis, and band the said Thomas to ane tre, and fetterit him maist schamefullie thairto, mynding to compell thame to pay sic ransonis for thair relief as lyis not in thair power." By these outrages the complainers are likely to be ruined for ever, "being puyr men, maid unabill alsua to pay thair dewiteis yeirlie to his Hienes and his

officiaris as thay had wount to do."—Charge having been given to the Earl of Mortoun to appear and answer, "and als to have enterit and presentit the foirsaidis personis, committaris of the saidis crymes," under pain of rebellion, and he making no appearance, while the complainers appear by , the Lords again order the Earl of Mortoun to be denounced rebel and put to the horn. Acta 1581-

Holyrood-house, 10th December.

Sederunt—Jacobus, Comes de Glencarne; Willielmus, Comes de Gowry; Patricius, Dominus Lindesay; Allanus, Dominus Cathcart; Adam, Episcopus Orchadensis; Dunfermling; Cambuskynneth; Culros; Prepositus de Dunde; Clericus Registri; Clericus Justiciarie.

Order to denounce Alexander Stewart, captain of Blackness Castle, and his man.

Williame Hunter, servant of Alexander Stewart of Scottistounhill, captain of Blakness Castle, not having appeared before the Privy Council, and his said master not having entered him as charged under pain of rebellion, the Lords ordain both to be denounced rebels.

Order to denounce William Stewart, writer.

Williame Stewart, "writtar in the clerkis chalmer of Edinburgh," for not appearing before the Privy Council as charged to give information "twicheing the lait conspiracy divisit, interprysit and reddy to have bene put to executioun within the palace of Haliruidhous, to the endangering of his Hienes persoun and estate, and of the nobilitie and utheris his Majesteis gude subjectis resident with his Hienes," is denounced rebel.

Holyrood-house, 13th December.

Sederunt—Domini ut in die predicto,

New charge to the Duke of Lennox to quit the realm.

The King, with advice of his Council, had of late resolved "that Esme, Duke of Levinax, Erll Dernlie, sould depart furth of this realm with sic diligence as possibillie mycht be, according to his awin desire and offer maid that he wald depart rather nor be his remaning ony troubill sould be movit or arryis to the disquieting of the cuntre." This resolution of his Majesty having been "signifiit to the said Duke be divers his Hienes letters and messages, as alsua be his traist cousing, Johnne, Lord Hereis, direct to him to the same effect," the Duke had "faythfullie promittit to obey and fulfill his Hienes will and pleasour." After some delay, "in respect of a saulf conduct cravit be him to pas throw England," the safeconduct had been obtained, and directed to him, "togidder with a resolution of the forme and tyme appointit for his departing" [*ante*, p. 534]. Neverthless, he still delays, "promissing be letters send to his Majestie, and credeit committit to Mr Johnne Grahame of Halyairdis, berare thairof, to depart furth of this realme, convoyit and accumpaneit with sic personis as the said Duke himself sall think meit and require thairto, within four dayis eftir the knawlege of his Hienes mynd." Now, accordingly, his Majesty, with advice of the Council, "having deliberat that the saidis Dukis departing, and assurance grantit to him in that respect frome tyme to tyme, salbe na langar prorogat, bot that he sall

Acta 1581–85. depart throw Ingland and be in Berwik upoun the xxii day of this instant, and executioun be force to be usit aganis him in cais forder delay or dissobedience be usit be him in this behalf, in respect of the said saulf con-
Fol. 40, b. duct and pasport procurit at his awin speciall desire and requeist," ordains letters to be directed to officers of arms, "chargeing thame to pas, command and charge the said Esme, Duke of Levenax, personalie gif he can be apprehendit, and failyeing thairof at the castell of Dunbartane, as place quhair be his letters he hes declarit that he salbe fund, and be oppin proclamatioun at the marçat croce of the burgh of Dunbartane, to remove frome the said Castell of Dunbartane, quhair he presentlie remanis, upoun Twysday nixt the xviii day of December instant, in his jornay to the partis foirsaid, and to entir within the said toun of Berwik upoun the said xxii day of the same moneth, and swa furthwart, using his said saulf conduct and pasport grantit to that effect," all under pain of rebellion if he fail to remove from the said Castle or to enter Berwick at the time appointed.

Sederunt—Domini ut in die predicto. Holyrood-house, 15th December.

James Stewart, captain of Blaknes, and Alexander Stewart, his brother, denounced rebels for not appearing personally before the Privy Council, and also for not entering Williame Huntar, servant of the said Alexander, to answer touching the "lait conspiracy" formed within the palace of Haliruidhous [see *ante*, p. 536]. Order to denounce James and Alexander Stewart.

Adam Vetche in Fethen, beside Peblis, and Andro Murray, brother-german of the Laird of Newhall, to be denounced rebels for not appearing before the Privy Council as charged. Order to denounce Adam Veitch and Andrew Murray.

Caution in 1000 merks by Sir Andro Hammiltoun of Goslingtoun for Robert Bruce of Bynny, that he will not injure Johnne Ramsay in Westir Bynny, his wife, bairns, and servants, in their persons or goods [see *ante*, p. 497]. Holyrood-house, 19th December. Caution for Robert Bruce of Binnie.

Sederunt—Ut in die predicto. Holyrood-house, 20th December.

"The Kingis Majestie, understanding that his dearest cousing Esme, Duke of Levenax, Erll Dernlie, Lord Tarboltoun, Dalkeyth, and Obigny, upoun his Majesteis speciall licence and favour, is presentlie to depart furth of this realme throw Ingland to the partis of France and utheris beyond sey, having craved his Majesteis favour that sa mony nobill men, baronis, and utheris as hes ressavit the said Duke of Levenax in thair houssis, assistit him, or professit his part, sen his last departing frome his Hienes presens and cumpany, may be warranted to be untroublit for that caus in tyme cuming: the Kingis Majestie, accepting the said desire in gude part as ressonabill, in respect of his said dearest cousingis obedience schawin in fulfilling and accomplissing of his Majesteis commandiment and directioun Indemnity granted, at the request of the Duke of Lennox, to all his harbourers.

for releif of his promeis and quietnes of his Hienes estate, thairfore, be advise of the Lordis of his Hienes Secreit Counsale, findis and declaris that the saidis nobill men, baronis, and utheris quhilkis hes ressavit the said Duke of Levenax in thair houssis, assistit him, or professit his part sen his said last departing frome his Hienes presence and cumpany, salbe untroublit and unaccusabill for that caus in tyme cuming; dischargeing all his Hienes jugeis and ministeris of his lawis present and to cum, and thair deputtis, of all calling, accusing, unlawing or in onywayis proceding aganis thame thairfoir, poinding, troubling, or in ony wayis intrometting with thame, thair landis and gudis, for the same, and of thair offices in that part for evir."[1] Acta 1581-85.

Robert Gourlaw, customer of Edinburgh, to pay a debt of the king's out of the customs.

Robert Gourlaw, "custumar of Edinburgh," having, by direction of the King and Council, "becum actit in the court bukis of the burgh of Edinburgh to mak payment to the personis particularlie following, thair airis, executouris or assignayis, of the nowmer of crownis of gold underwrittin, borrowit and ressavit fra thame to the Kingis Majesteis use and behuif, or the sowme of fifty schillingis money of this realme for the pryce of ilkane of the saidis crownis, and that betuix the dait heirof and the first day of Aprile nix to cum,—thay ar to say, to Mongo Russel fifty crownis of the sone; Johnne Fairlie, twenty-fyve crownis; James Ros, fiftie crownis; Fol. 41, a. Maister Johnne Provand, fiftie crownis; Andro Stevinstoun, fiftie crownis; Johnne Harwod, twenty-fyve crownis; Robert Hereis, twenty-fyve crownis; James Inglis, fiftie crownis; Patrik Cochrane, twenty-fyve crownis; Richert Dobie ,twenty-fyve crownis; Alexander Uddart, fiftie crownis; Alexander Thomsoun, twenty-fyve crownis; Barthilmo Somervile, fiftie crownis; Johnne Dowgall, twenty-fyve crownis; and Johnne Portarfeild, twenty-fyve crownis; extending in the haill to fyve hundreth fiftie crownis of the sone,"—the King, with advice of his Council, for relief of the said Gourlaw, consents and ordains that he "collect, uptak, and intromet with his Hienes custumes of the said burgh in tyme cuming (samekill thairof as is assignit for the keping of the Castell of Edinburgh onelie exceptit), and the samyn to his awin use for his releif to apply, and that he be na wayis answerabill for ony part of the saidis custumes (except befoir exceptit) to ony uther persoun or personis quhill he be relevit as said is."

Edinburgh, 21st December.

Caution by Robert Boyd of Badinheth for Sir Mathow Campbell of Lowdoun,

[1] The Duke did at last leave Scotland, coming to Dalkeith on the 20th of December 1582, the very date of this entry, departing thence to Dunbar on the 21st, and crossing the English frontier within the next day or two. After a short stay in London, where he had an interview with Elizabeth, he passed to his native France; where, on the 26th of May 1583, he died. "After he came to France, nather the King of France, nor yet the nobility ther, nay nor his auen Lady, gave him any respecte, in that he had joyned himselve to the Protestant Religion in Scotland, and had communicat with them" (Balfour's Annales, i. 374). He died, it was reported, still professing himself true to his conversion to Protestantism.

Acta 1581–85. and Hew Campbell of Terrinyeane, his son and apparent heir, that the corns of the five merkland of M°Cllellenstoun of the crop of 1582 shall be forthcoming to the persons having best right to the same, and that Thomas Broun, tenant of the said lands shall obey the decree to be pronounced by James, Earl of Glencarne, Hew, Earl of Eglintoun, and Robert, Lord Boyd, in this behalf. Caution for Matthew Campbell, Sheriff of Ayr, and his son.

Sederunt—Georgius, Comes de Marschell; Willielmus, Comes de Gowry; Allanus, Dominus Cathcart; Adam, Episcopus Orchadensis; Commendatarius de Dunfermling; Commendatarius de Deir; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde. Holyrood-house, 26th December.

The Earl of Mortoun having been deposed from the office of warden of the West March, and Johnnestoun of that Ilk substituted in the post, "in respect of his abilitie, discretioun, and jugement be pruif gevin thairanent heirtofore," but there having been since his last holding that office [*i.e.*, since April 22, 1581, p. 374] "a greit nowmer of reiffis, stowthis, heirschippis, and slauchteris committit be the personis dwelland within the boundis of the said West Marche," requiring the consideration of the barons and gentlemen of the March "befoir that the said Johnne Johnnestoun suld be burdynnit thairwith or astrictit ony wayis to answer for the same," it is resolved accordingly "that the said Johnne Johnnestoun sall na wayis be burdynnit, haldin, nor astrictit, to answer or mak redres to partiis complenand, for ony stowth, reif, heirschip, slauchter, or uther deid, done be ony personis dwelland within the saidis boundis," till his Majesty, with advice of the Lords of Council and of the said barons and gentlemen of the West March, shall give farther direction as to the "forme and ordour" to be taken for redress of the same. In the matter of the Laird of Johnston's Wardenship of the West March.

Caution in 1000 merks by Thomas Levingstoun of Hanyng, younger, David Dundas of Preistis Inche, and David Craufurd of Blakcraig, for Williame Craufurd of Beircroftis, that Helene Kincaid, relict of Robert Craufurd of Beircroftis, and Gawin Hammiltoun, now her spouse, shall be harmless of him in thair persons, lands, and goods. Caution for William Craufurd of Beircrofts.

Sederunt—Domini ut in die predicto. Holyrood-house, 27th December.

Fol. 41, b. Although the King "hes maid and constitute Johnne Johnnestoun of that Ilk warden and justice within all the boundis of the West Marches of this realme, as alsua, for the bettir discharge of his office, hes committit the keping of the castell of Lochmaben to him and his servitouris in his name," nevertheless, the tenants and intromitters with the "males, fermis, profeittis and dewiteis" of the said castle, "on na wayis will answer, obey nor mak payment of the same to the said Johnne Johnnestoun of that Ilk without thay be compellit." It is therefore ordained that letters issue Charge to the tenants of Lochmaben to pay their duties to the new Warden, Johnston of that Ilk.

" to charge the saidis tenentis and intromettouris with the saidis males, fermis, proffeittis. and dewiteis of the saidis landis, rentis, fischeingis, and possessionis belangand to the said castell, to answer, obey, and mak payment of the same, sa far as is presentlie extant or restand untakin up or intromettit with be Johnne, Erll of Mortoun, Lord Maxwell, to the said Johnne Johnnestoun of that Ilk, his factouris or servitouris in his name, within ten dayis nixt eftir thay be chargeit thairto, under the pane of rebellion." Acta 1581–8

Charge to the Earl of Morton and his clerk to deliver the books and rolls of the West Wardenship to Johnston of that Ilk.

As it is necessary that Johnnestoun of that Ilk, the new warden of the West Marche, " understand the present estate and conditioun of the samyn, namelie quhat complaintis betuix the wardanis of bayth the realmis at the said West Marche restis unanswerit and dewtifullie redressit, to the effect he may understand bayth quhat he hes to answer for and quhat to crave," it is ordered that letters issue " chargeing Johnne, Erll of Mortoun, Lord Maxwell, lait warden of the said West Marche, and , his clerk, to deliver to the said Johnne Johnnestoun of that Ilk, present warden, or his servitouris in his name, all bukis, scrollis, rollis, indentis, bandis, aggrementis and utheris writtis, concerning the said West Wardanrie and redres to be maid or cravit thairat,"—this to be done " within dayis nixt eftir thay be chargit thairto," under pain of rebellion.

Supplication of the Earl Marischal, Lord Oliphant, and the Abbot of Deer, against the renewal of a Commission of Justiciary in favour of the present Earl of Caithness, a minor.

Supplication by " George, Erll Merschell, Lord Keyth, Laurence, Lord Oliphant, and Robert, commendatare of Deir, heretouris and immediat tenentis to his Hienes of the landis of Arkingill, Auldweik, Berrydaill, Burroustoun, and divers utheris landis liand within the cuntre of Caithnes and sherefdome of Inuernes," as follows :—In April 1567, " in that disorderit court and tyme quhilk immediatlie followit the murthour of his Hienes dearest fader of worthy memory," the late George, Earl of Caithnes, had obtained " ane heretabill commissioun of justiciary ower the haill boundis of Caithnes, Sutherland, and Strathnaver, fra Portinculter to Pentland Firth, and fra the Eist Sey to the West Sey, sa far as the diocie of Caithnes extendis of the saidis landis and boundis lyis,[1] with power to him, his airis and assignayis, not onelie to use the pane of justiciarie upoun personis criminall in the commoun forme, bot to charge under the pane of rebellion, and caus execute the horning and tak up the half of the escheittis to his awin use, as alsua to compone for respettis and remissionis, and to do and use sindry uther thingis propirlie competent to his Majesteis awin persoun and royall authoritie as soverane king of this realme." This commission " wes execute and usit be the said umquhile Erll, to the saidis complenaris greit hurt and prejudice, the space of xiiii yeris, quhill at last

[1] George Sinclair, 3rd Earl of Caithness, had been Justiciary " within the boundis of the diocie of Caithnes, fra Portinculter to Pentland Firth, and fra the eist sey to the west sey " in 1566, by commission from Queen Mary in Darnley's lifetime (see Reg. Priv. Coun., vol. i. p. 459).

Acta 1581–85. in the moneth of Apryle last bipast, the same commissioun wes, for just caussis, at the instance of George, Erll of Huntlie, sheref principall of Inuernes, and Alexander, Erll of Sutherland, be decreit of the Lordis of Counsale and Sessioun, worthelie reduceit and decernit to have na strenth nor effect in tyme cuming, as a power strange and unsufferabill to be in the persoun of ony inferior subject under a Soverane Prince." Nevertheless, as the complainers are informed, "the renewing of the lyke commissioun is alreddy, or schortlie to be, socht and impetrat of his Hienes in the favour of , now Erll of Caithnes, being yit minor and within the aige,[1] that he may occupy the place of jugement in his awin persoun." Now, as "it wer maist suspitious to have ony sic power or commissioun ower the landis and boundis or personis of the men and servandis pertening to the saidis complenaris or the said Erll of Sutherland," and as such commission of justiciary, if granted, "wald bot in effect tak thair landis within Caithnes, and the service of thair awin men, tenentis, fra thame, and mak thair rowmes to be possest be the Clan Gun and utheris, aganis thair will, contrair justice, law, and ressoun," it is humbly prayed that the King and Council "wald forbeir and desist fra the granting of ony sic extraordinar commissioun of justiciarie" till the complainers are called and their reasons and defences heard.—Thinking the supplication "maist ressonabill," and also "in respect that the saidis complenaris ar nobill men and ancient baronis of the realme, abill to mak answer for thair awin boundis, tenentis and servandis befoir the ordinar and jugeis competent
Fol. 42, a. quhatsumevir," the King, with advice of his Council, "concludis and ordanis that na commissioun of justiciarie salbe grantit to the said , now Erll of Caithnes, upoun the saidis complenaris landis, boundis, men, tenentis, and servandis in tyme cuming, quhill thay be first callit, and that thair ressonis and just defenssis be hard befoir the granting thairof; and, in cais ony sic commissioun sal happin to be procurit heireftir of his Hienes utherwayis," the King, with the same advice, "declaris the samyn, be thir presentis, now as then and then as now, to be null, and of nane avale, force, nor effect."

Caution for William Stewart.

Caution in 1000 merks by Archibald Stewart, burgess of Edinburgh, for the appearance of Williame Stewart, writer, before the Council on 1st January next, to answer touching the "lait conspiracy" formed in the palace of Haliruidhous. [On the margin of this entry are the words "Deleit be command," and lines of deletion are drawn through the entry.]

Sederunt—Domini ut in die predicto.

Holyrood-house, 11th January.

Suspension of decree against Mackenzie of Kintail for surrender of the castle of Strome.

Complaint by Coline M^cKainzie of Kintaill against Donald M^cAngus M^cAllestar of Glengarrie, for having, "upoun a certane sinister and malicious narratioun," obtained a decree charging the said complainer,

[1] George Sinclair, 4th Earl of Caithness, grandson of the late Earl, who was just dead.

under pain of rebellion, to deliver to the said Donald the Castle of Strome, Acta 1581–85
and also to appear before the Council upon 4th August last to find caution that Glengarry and his friends should be harmless of M°Kainzie in thair persons and goods [see *ante*, p. 505]. The complainer's representation is as follows :—"The officiar, alledgit executour of the saidis letters, nather chairgit the said Coline personalie nor at his duelling place, nather yit come ony sic charge to his knawlege. Yit, he heiring tell sumquhat thairof be the bruit of the cuntre, he, for obedience of the samyn, directit Alexander M°Kainzie, his servand and procuratour, to our burgh of Perth, quhairin his Majestie wes resident for the tyme ; quha fra the said ferd day of August, being the peremptour day of compeirance, allsweill thair as at Ruthven, attendit continewally upoun the calling of the saidis letters, till the Counsale dissolvit and that his Majestie past to Dunkeld to the hunting. Lyke as immediatlie thaireftir the said Alexander repairit to the burgh of Edinburgh, quhair he lykwise awaittit a certane space thaireftir quhen Counsale sould have bene, and quhen the saidis letters sould have bene callit; bot, persaving na nowmer of Counsale nather thair nor actualie with his Majestie, he luikit for na calling of the saidis letters nor proceding thairintill, bot that the samyn sould have desertit, becaus the day wes peremptour, at the leist quhill he sould have bene of new warnit and hard in presence of his Hienes and his Counsale to have schawin a ressonable caus quhy na sic letters sould be grantit simpliciter upoun the said Coline to the effect abonewrittin. Notwithstanding, far by his expectatioun, he being resident for the tyme in Edinburgh, quhair he luikit the said mater sould have bene callit, the saidis utheris letters wer, upoun the tent day of the said moneth of August last, be moyne of the said Donald M°Angus, callit at the Castell of Dalkeith, and thair, for the said Colinis alledgit non-comperance, as he is suirlie informit, decreit wes pronuncit in the said mater and letters ordanit to be direct simpliciter aganis him." Had his said servant, then still in Edinburgh, been made aware of this meeting of Council at Dalkeith, "he wald not have faillit to have comperit, and had mony gude and sufficient ressonis and defenssis to have stayit all geving of the saidis letters simpliciter:" such as that "the said Coline ressavit the said castell and fortalice of Strome be virtew of ane contract past betuix him and the said Donald, quhairin he wes content and consentit that the said Castell sould remaine in the said Colinis handis and keiping unto the tyme he had fulfillit certane utheris articlis and claussis mentionat and contenit in the samyn contract;" also "that the said Coline wes chairgit, be vertew of letters past be deliverance of the Lordis of Sessioun, to rander and deliver the said castell and fortalice of Strome to Johnne Grant of Fruchy, as pertening to him in heretage, within a certane space eftir the charge, under the said pane of horning, swa that, he being dowble chairgit, he is uncertane quhomto to rander the said castell." Moreover, for the satisfaction of the King and the Lords of Council, "the said Coline hes fund cautioun to rander and deliver the said castell and fortalice to the said Donald, gif it salbe fund be his Hienes and the saidis

Acta 1581–85. Lordis that he aucht to do the samyn" [*ante*, p. 533]. For these reasons it is argued that the said decree and letters issued against him ought to be
Fol. 42, b. suspended.—Charge having been given to the said Donald M^cAngus to appear to this complaint and demand, and "baith the saidis parteis comperand personalie," the Lords, after hearing them, "suspendis the foirsaidis letters purchest be the said Donald M^cAngus, effect thairof and proces of horning contenit thairintill, and all that hes followit thairupoun, upoun the said Coline simpliciter in tyme cuming," the ground for this decision being that "the said Coline hes fund souirtie actit in the buikis of Secreit Counsale that the said castell and fortalice of Strome, committit to him in keiping be the Kingis Majestie and Lordis of Secreit Counsale, salbe randerit and deliverit agane to sic persoun or personis as salbe appointit be the Kingis Majestie to ressave the samyn, as the keparis thairof salbe requirit thairto upoun sex dayis warning, under the pane of ten thousand merkis," and meanwhile, under the same pain, that none of the King's subjects shall be "invadit, trublit, molestit, nor persewit," by those who keep the castle for him, or by others resorting thither. There is, however, this proviso:—"That, in cais the said Coline sall at ony tyme heireftir sute of the Kingis Majestie to be disburdynnit of the keiping of the said castell, and that sum persoun may be appointed to ressave the samyn out of his handis and keiping within the space of twenty dayis nixt eftir his said sute, quhilk notwithstanding sal happin to be refusit and not done be his Hienes within the said space, that in that cais he nor his cautionar be nawyis answerable thaireftir for the said hous and keiparis thairof, bot to be fre of the samyn, and thir presentis to annull and to have na forther force, effect nor executioun aganis thame at ony tyme thaireftir; except that the samyn hous sal happin to be kepit be the said Coline or his servandis in his name thaireftir, for the quhilk in that respect the said Coline sall alwyis be answerable in maner foirsaid and na utherways."

Commendator of Dunfermline against the Keepers of the Great Seal.

Complaint of Robert, commendator of Dumfermling, as follows:—For his long and true service to his Majesty since his coronation, it had pleased his Majesty lately, with advice of his Council, "to gif and dispone to Henry Pitcarne, his broders sone, the abbacy of Dumfermling, reservand onlie his awin lifrent of the samyn to himself." But, though he has desired the said gift "to be exped and past the greit sele be Robert Stewart, maser, present keipar thairof in name of Mr Johnne Grahame, depute to Coline, Erll of Ergile, chancellar, upoun his ressonable expenssis," the said Robert refuses.—Charge having been given both to Mr John Grahame and Robert Stewart "to have appendit the said sele to the gift foirsaid past to the said Henry upoun his ressonable expenssis" within three hours after being required, under pain of rebellion, or else to have appeared on the morning after the charge and shown cause to the contrary, and "the said Commendatar comperand personalie, and the saidis Mr Johnne Grahame and Robert Stewart being oftymes callit and not comperand," the Lords peremptorily renew their charge to the absent officials, with order to

denounce them rebels and put them to the horn and to escheat, etc., if they fail. Acta 1581-

Holyrood-house, 12th January.

Sederunt—Georgius, Comes Mariscalli; Joannes, Dominus Hereis; Allanus, Dominus Cathcart; Adam, Episcopus Orchadensis; Commendatarius de Dumfermling; Commendatarius de Deir; Clericus Registri; Clericus Justiciarie; Commendatarius de Blantyir, Secreti Sigilli Custos; Magister David Makgill, Advocatus; Prepositus de Dunde.

Revocation of all exemptions from attendance on "oists, raidis, and armyis," or from attendance at assizes and inquests.

"Forsamekill as, the Kingis Majestie and Lordis of Secreit Counsale considering that, be inoportune sute and informatioun gevin of inhabilitie of a gret nowmer of personis, his Hienes subjectis, to travell to oistis, raidis, and armyis, be ressoun of sindre seiknessis and diseassis quhairunto they alledgit thai wer subject, his Majestie hes bene movit oftymes to grant licences and exemptionis to thame to remane fra the saidis oistis, raidis, and conventionis, as alsua fra all compeirance or passing upoun assyissis or inqueistis in ony caus befoir quhatsumevir judges during thair liftymes; notwithstanding that the personis for the maist part quhilkis cravit and obtenit the saidis exemptionis wer nawyis subject to ony diseas or infirmitie, at the leist his Majestie not being perswadit thairof be the declaratioun of doctouris and medicinaris, nor na uther suir declaratioun and demonstratioun gevin of the samyn; bot be the contrair his Hienes hes certanelie understandit and understandis the maist part of the saidis exemit personis to be sic as ar haill and abill of thair bodyis, and may weill eneuch travell to the saidis raidis, oistis, and conventionis, and ar maist meit to pas upoun assyissis and inqueistis, in respect of thair knawlege, discretioun, and judgement in sic caissis, and the saidis exemptionis wer purpoislie socht and purchest to the hinderance not onlie of his Majesteis service, bot als of particular partiis quha hes bene and dalie ar fustrat and delayit of justice be the absence and not comperance of the saidis exemit personis to pas upoun assyissis and inqueistis:—For remeid quhairof in tyme cuming, his Majestie, with avise of the saidis Lordis, hes revoikit and dischairgit, and be thir presentis revoikis and dischairgis, all and quhatsumevir licences and exemptionis gevin and grantit be his Majestie or his Regentis in his name at ony tyme bigane to quhatsumevir persoun or personis for remaning fra raidis, oistis, armyis, conventionis, asseyessis, and inqueistis, declarand the samyn to have na forder strenth, force, nor effect in tyme cuming; and ordanis his Hienes justice, justice-clerk, and thair deputis, schereffis, stewartis and utheris ordinar officiaris, to proceid aganis the personis quhilkis hes obtenit the saidis exemptionis, in cais of thair absence fra the saidis raidis and inqueistis, without respect to the samin exemptionis, and as gif the samyn had nevir bene grantit; and that letters be direct to officiaris of armes, schereffis in that part, chargeing thame to pas and mak publicatioun and intimatioun of the premissis to all and sindre his Majesteis lieges be oppin proclamatioun at Fol. 43, a.

Acta 1581-85. the marcat croces of the principal burrowis of this realme and utheris places neidfull, quhairthrow nane of thame pretend ignorance of the samyn."

Caution by Johnne Henrysoun, writer, for Richart Park, James Robertsoun, Thomas Park, Johnne Auld, Johnne Millar, Mathow Mader, Johnne Croket, Thomas Jak, Issobell Jak, Williame Mauld, and Johnne Robesoun, tenants of the lands of Cathkin, that they shall pay to Johnne Hammiltoun, provost of Boithuile, the sum due by them to him for his relief of the late taxation of £40,000 for the said lands of Cathkin. Edinburgh, 16th January. Caution for the payment of tax-money due by the tenants of Cathkin.

Caution by Robert Power, burgess of Edinburgh, for Robert Campbell, provost, and Adame Johnnestoun and James Bannatyne, bailies of Air, that they shall pay to the burgh of Irving the sum of £37, 6s. 8d., as their part of the taxation ordained to be uplifted "for beitting and mending of the Brig of Irving," if it be found that they should do so. Caution for the provost and bailies of Ayr.

Sederunt—Allanus, Dominus de Cathcart; Adam, Episcopus Orchadensis; Commendatarius de Dumfermling; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Prepositus de Dunde. Holyrood-house, 17th January.

Complaint of Margaret Martene, relict of the late Mr William Skene, commissary of Sanctandrois, as follows:—Although she "hes all and haill the twa mylnis of Kernis pertening to hir in conjunct fie or lifrent, like as scho hes bene in peciable possessioun of the samyn, be hirself, hir tennentis and servandis in hir name, continewally sen the deceis of umquhile Mr Williame Arthour of Kernis, hir first husband," yet "laitlie in the moneth of last bipast" Williame Arthour, now of Kernis, had "come to hir saidis mylnis, quhilkis wes occupit be Chairlis Michell of Lambo, hir tennent, and thair mennassit and boistit the said Chairlis, avowing to have his life gif he occupiit the saidis mylnis thaireftir, sua that he, being constranit throuch just feir and dredour of his life, hes cum and offerit to the said Margaret the keyis of hir saidis mylnis, declairing planelie that he dar not occupy the samyn for feir of the said Williames cruell persute and invasioun." Evidently, therefore, "the said Williame Arthour intendis, be way of plane and manifest oppressioun, to leif hir saidis mylnis waist and to mak thame unproffitable to hir in tyme cuming, to hir utter wrak and heirschip."—Charge having been given to the defender to appear and answer under pain of rebellion, and "the said Margaret Martene comperand be Mr Johnne Arthour, hir procuratour, and the said Williame being oftymes callit and not comperand," the Lords order him to be denounced accordingly, and put to the horn. Margaret Martin against Mr William Arthur.

Fol. 43, b.

Sederunt—Joannes, Dominus Hereys; Adam, Episcopus Orchadensis; Commendatarius de Dumfermling; Commendatarius de Deir; Edinburgh, 18th January.

Commendatarius de Culros; Clericus Registri; Prepositus de Dunde; Prior de Blantyir; Advocatus. Acta 1581–8

Order that customs of goods be taken as of old, notwithstanding a late Act of Parliament.

"Forsameikle as the Kingis Majestie and Lordis of Secreit Counsale considdering the supplicatioun presentit be the inhabitantis of the burrowis of this realme, craving that the custome appointit to be uptaikin be the lait Act of Parliament [1581, c. 12, iii. 216] of all guidis transportable furth of this realme mycht be superceidit and na novatioun maid nor usit, quhill as commissionaris, to be direct from certane of the principale burrowis, mycht convene and confer with sum of his Hienes privie Counsale and utheris to be appointit be his Majestie anent the saidis custumes, to the effect that quhat than sould be thocht maist meit to be done heiranent aggreable with richt and ressoun, the samyn mycht be followit out and put in executioun thaireftir without contradictioun; quhairanent his Majestie being willing to satisfie thame and to lett thame understand that his Hienes hes socht and seikis na thing in this behalf bot that quhilk maist propirlie appertenis to his Majestie, and quhairof his predicessouris and thair officiaris in thair names hes bene in use of uptaking and comptable thairfoir in his Hienes chekker at sindrie tymes: thairfore his Majestie, with avise of the saidis Lordis, ordanis his Hienes custumaris to continew in uptaking of the custume of the saidis guidis as hes bene accustumat thir lait yeiris bigane unto the first day of Marche nixt to cum, without prejudice alwayis of the executioun of the saidis Actis of Parliament and Actis of Secreit Counsale maid sensyne, comptand fra the tyme of the publicatioun of the said Act of Parliament to the day foirsaid and at all times thaireftir, in cais his Majestie beis not satisfeit in the said mater be the saidis commissioneris betuix and the said day; and in the menetyme ordanis officiaris of armes to pas and lowis all arreistmentis maid upoun quhatsumevir schippis and guidis for the caus foirsaid, quhairthrow thai may depart to thair vayage at thair plesour."

Caution for the former Bishop of Dunkeld.

Caution by Johnne Stewart of Baldynneis for Robert, sometime Bishop of Dunkeld, that he shall pay 100 merks to Mr James Patoun, now Bishop of Dunkeld, for a part of his relief of the late taxation of £40,000, if it be found that he should do the same.

Registration of acquittance by Lady Borthwick to Lord Borthwick for her aliment money.

Registration by Mr Williame Hart, as procurator for Dame Grissell Scot, Lady Borthuick, of her acquittance for the sum of £111 scots, received from Johnne Borthuik, cautioner, for Williame, Lord Borthuik, her spouse, being full and complete payment of the sum of 30s. daily, allocated to her in the decree which she had obtained against her said husband [*ante*, p. 467]. The acquittance is dated at Edinburgh, 27th October 1582, and is witnessed by Williame Borthuik of Cruikstoun, Andro Borthuik in the Cannogait, Williame Cranstoun in Gilmertoun. Fol. 44, a.

Sederunt—Georgius, Comes Mariscalli; Adam, Episcopus Orchadensis;

Acta 1581–85.

Commendatarius de Dumfermling; Commendatarius de Newbottill; Commendatarius de Deir; Commendatarius de Culros; Clericus Registri; Prepositus de Dunde. Holyrood-house, 21st January.

Complaint of Walter Ker of Litleden, as follows:—"He hes undowtit richt to the ward of the leving of Mellestanis, and mariage of Johnne Haitlie, sone and apperand air to Henry Haitlie, fear thairof, be sufficient richt and dispositioun maid to him of the same, proceding from his Majesteis donatour, and his assignay thairto; like as alsua Johnne Haitlie, eldar of Mellestanis, be contract maid betuix the said Walter Ker and him, hes disponit to the said Walter his lifrent of the saidis landis and leaving, with the toure, maner place, and all pertinentis thairof, the quhilk he onlie acquirit for the weill of the said apperand air, being his ." According to his rights, he "hes bene in peaceable possessioun of the maillis and deweteis of the saidis landis, and of the bruiking and inhabiting, be himself and utheris in his name, of the said tour and maner place thairof, thir divers yeiris bigane." Nevertheless, "Andro Haitlie in the Sneip, being alreddy his Majesteis rebell and at the horne for the caus underwrittin, having drawin be his persuasioun the said Johnne Haitlie, eldar of Mellestanis, Mark Haitlie, his bastard sone, Thomas Haitlie in Mellestanis, Thomas Mudie, servand to the said Andro, Adame Hoppringill in Fawnis, Johnne Hoppringle, his sone thair, Patrik Brounleyis thair, Johnne Ormistoun in Smalhoilme, Thomas Ormistoun in Merdene, Thomas Ellot, sone to David Ellot in Smailholme, James Powis in Cowcruikis, Cuddie Mudie in Mellestanis, Nicoll Wilsoun thair, Jok Burnet thair, Geordie Gottray thair, Johnne Broun thair, Thomas Yallowleyis eldar thair, Thomas Yallowleyis younger thair, Alexander Purves thair, David Purves thair, Cuddie Purves thair, Joke Hoge thair, Cuddie Purves, callit Mekle, thair, in cumpanie with him, massit thameselffis togidder, all bodin in feir of weir, upoun the vi day of Januar instant, and, with thair complices and convocatioun of his Hienes lieges, the samin day, under silence of nicht, come to the said toure and maner place of Mellestenis, pertening to the said Walter as said is, and than violentlie and be force brak up the yettis and durris of the samyn, enterit thairin, and sensyne hes kepit and yit kepis and withhaldes the samyn fra the said Walter perforce, furneissit with men, munitioun, and victuall as ane hous of wear, tending in proude and contemptuous maner violentlie and be force to bruik and withhald the samyn fra him, doand thairby that lyis in thame to move the said Walter and his freindis to persew and repair the wrang done to him thairin, and thairby to bring the quiet estait of the cuntrie in cummer and trouble." Charge having been given to all the persons complained against, except John Haitlie elder, and the second Cuddie Purves, "callit Mekle," to have rendered the tower and manor place of Mellestanis to the complainer under pain of rebellion, or else to have appeared and shown cause to the contrary, and "the said Walter Ker of Litleden comperand be Andro Ker, his sone and procuratour," and fourteen of the twenty-two cited defendants

Walter Ker of Littledean, against a number of Haitlies and others.

Fol. 44, b.

having also appeared personally, but the following eight not having appeared, Acta 1581-8 to wit "the saidis Thomas Haitlie in the Sneip, Andro Haitlie, his sone, Johnne Hoge, Mark Haitlie, Johnne Hoppringle, Patrik Brounleyis, Thomas Ellot, and David Purves,"—it was alleged by the fourteen defendants present "that thay had bene this lang tyme bigane in possessioun, like as they ar yit, be vertew of tak sett to thame be the said umquhile John Haitlie, eldar, of Mellestanis, lang befoir the making of the said contract betuix him and the said Walter Ker, quhairanent thair is actioun presentlie [in] dependance befoir the Lordes of Counsale and Sessioun." This allegation, with other reasons, having been considered, the Lords, "in respect of the said allegeance and dependance, remittis that part of the saidis letters tueching the saidis maner place and laiche houssis of Mellestanis to be decydit befoir the saidis Lordes of Counsall and Sessioun as accordis," but in the meantime ordain letters to issue "chargeing the foirsaidis personis, yit as of befoir, to rander and deliver the said tour and fortalice of Mellestanis to the said Walter Ker or his servandis in his name" within forty-eight hours after being charged, under pain of rebellion, with immediate horning to follow if they fail, because those of them that had appeared "schew na ressonable caus quhy the said tour and fortalice suld not be randerit."

Registration of caution for Mackenzie of Kintail.

Registration by Johnne Irwing in the Channonrie of Ros, procurator for Coline M°Kenze of Kintaill, and Patrik, Lord Lindsay of the Byris, of an act of caution in 10,000 merks by M°Kenze as principal and Lindsay as surety for him, binding M°Kenze to surrender the Castle of Strome to any person appointed by the King for the purpose upon six days' warning, and to fulfil the other duties imposed upon him by the Act of Privy Council of the 11th instant [*ante*, p. 541], always with the proviso in his favour contained in that Act; which proviso is duly repeated at length in this act of caution. The obligation is subscribed at the Byris upon 20th January Fol. 45, a. 1582–83, and witnessed by David Kynneir, Alexander Moncreif, and Johnne Ramsay, falconers.

Edinburgh, 23rd January.

Caution for Andrew Haitlie.

Caution in £200 by Andro Haitlie in the Sneip, as principal, and Sir James Hume of Coldenknowis, as surety for him, that the said Andro shall deliver the tower, manor place, and "biggingis" of Mellestanis to Walter Ker of Litleden, if it be found that he should do so [see *ante*, p. 547].

Holyrood-house, 26th January.

Sederunt—Ut in die predicto.

William, Lord Herries, admitted of the Privy Council, in place of his deceased father.

"The quhilk day the Kingis Majestie, with avise of the Lordes of his Secrete Counsale, hes nominat and appointit Williame, Lord Hereis, to be of the nowmer of his ordinar Previe Counsall, in place of umquhile Johnne, Lord Hereis, his fader, and ordanis his ayth to be ressavit, how sone he reparis to his Majestie, that he sall gif his aufauld, leill and trew counsall

Acta 1581–85. in all thingis sal happin to be proponit in Counsale and keip the same secreit and unrevelit, as use is."[1]

Order that none of his Majesty's guard mix themselves up with private feuds.

As it is understood by the King and Council "that sindry personis quhilkis ar appointit for the gaird of his Hienes persoun hes accumpaneit and daylie accumpaneis and taikis pairt with divers his Majesteis subjectis, reparing to Edinburgh and utheris pairtis quhair his Hienes makis residence, quhilkis ar under deidlie feid and querrell with utheris," it is therefore ordained that William Stewart, "his Hienes coronell and commander of the saidis persones of the gaird," shall charge and command every one of the guard "that nane of thame tak upoun hand to convoy, accumpany, or tak pairt with, ony persoun or pairty quhilkis ar under feid or querrell with utheris, or to enter in querrell or feid with thame or ony uthers, under pretens of allya, blude, freindschip or utherwyis, under the pane of removing and displaceing of thame fra thair place and service, and punishing of their persounes according to the qualitie of the offence at the discretioun and jugement of the said coronell."

Edinburgh, 30th January. Caution for the Earl of Errol.

Caution by George Sinclar, chancellor of Caithnes, for Andro, Earl of Errole, that Reid of Colleistoun, his tenants and servants, shall be skaithless of him, in thair persons, lands and goods.

Holyrood-house, 4th February.

Sederunt—Hugo, Comes de Eglintoun; Allanus, Dominus de Cathcart; Adam, Episcopus Orchadensis; Commendatarius de Dumfermling; Commendatarius de Newbottle; Commendatarius de Culros; Commendatarius de Cambuskynneth; Clericus Registri; Prepositus de Dundie; Prior de Blantyr.

Fol. 45, b. Reward of £500 offered to anyone who will reveal the author of a famous pasquil.

"Forsamekle as, upoun Wednisday the penult day of Januar last bipast, thair wes ane famous libell put in the rowme within the kirk of Edinburgh quhair the provest, baillies, and counsale thairof sittis in tyme of sermone, direct on the bak to the saidis provest, baillies, counsale, decanis and craftismen of the said burgh, bering dait at Dunkeld the xx day of September last, and as wer subscrivit with the handes of divers men, faithfull counsallouris and gude subjectis to our Soverane Lord, quhilkis nevir hard nor saw the samyn of befoir, nor yet convenit at Dunkeld for ony sic purpos, as is maist notourlie knawin: In quhilk famous libell it is maist falslie and wickitlie allegeit that his Hienes is causit remane quhair he is contrair his mynd, and not sufferit to remane in ony part of the realme quhair he pleissis, and that thair is ane intentioun to deliver his persoun in England; requiring the saidis provest, baillies, counsale, decanis, and craftismen of Edinburgh to put thame selffis in armes, and to

[1] "Upon the Lord's Day, the 20th [January 1582–83], the Lord Hereis departed this life suddanlie, in time of the afternoone's preaching, going to an upper chamber in William Fowllar's lodging, time of the preaching, to see the boyes bicker" (Calderwood, Appendix, vol. viii. p. 232).

ressave his grace body in thair keping; minassing, gif thay performe not Acta 1581–8
the premissis, gif his Majestie beis deliverit in England, or passis ony way furth of the Abbay of Halyruidhous, quhilk is within the boundis that thay ar master of, thay salbe callit and accusit heirefter for treasoun and les-majestie; with utheris wordes maist treasonable, untrew and seditious, to his Majesteis greit dishonour (quhilk is alsua aganis the gude peax, amitie and intelligence standing betuix his Hienes and the Quene and realme of England, quhilk happelie hes continewit not onlie sen his Hienes birth bot sen hir entres to hir crowne), the hinderance of publict tranquilitie amangis the noblemen alsweill calumniat as falslie allegeit subscrivaris of the said famous libell, thair being na sic occasioun as thairin is maist wickitlie and maliciouslie pretendit: considering his Majesteis libertie and gude pleasour is nawyse restranit, his residence being presentlie quhair commounlie he and his progenitouris hes remanit in the wintir seasoun of befoir, his nobilitie and all utheris his gude subjectis reparing to and fra his Majestie as thay ar callit for or hes occasioun be thair awin erandes: And as tuitcheing the four hundreth men of weir mentionat in the said famous libell, thay wer not rasit, nor ony gaird appointit about his Majestie, quhill intelligence wes had of ane dangerous interprise to have bene maid aganes his Hienes and the hous of his Majesteis present residence be personis knawin very evill affected to his Hienes and his blude, quhilk narrowlie eschapit unexecute; and yit his Majesteis present gaird, being of na gretair nowmer, and for the maist part of the self same personis, that servit his Majestie in his gaird of befoir, and being commandit to attend properlie on his Hienes awin service and on nawyis to mell with the querrellis of ony prevat pairtiis, can not on ressoun be thocht strange be ony, bot maist necessar: And sa the said famous libell, forgit, inventit and in sic sort craftelie divulgat to move the myndis of the ignorant, meritis na credite, bot the authouris thairof to be triit and seveirlie puneissit as the makers of lesingis betuix the king and his people, conforme to the lawis of this realme and Actis of Parliament:—Thairfoir ordanis letters to be direct to mak publicatioun of the premissis be oppin proclamatioun at the mercat croce of Edinburgh and utheris places neidfull, with certificatioun to ony that will try the forgear and writtar of the said famous libell, or schaw the meanis how the same may be tryit to ony of his Hienes Counsale, he sal have the soume of five hundreth pundis for his rewarde and panis; certefeing alsua all and sindry personis quhilk sal happin to forge and wrett sic libellis, or utherwayes to mak brutis and reportis quhilkis may gener discord betuix the Kingis Majestie and his subjectis, that their guidis salbe confiscat and intromettit with, and thame selffis execute to the deid, with all rigour and extremitie, conform to the lawis of this realme and actis of Parliament maid anent lesingmakers."[1]

[1] The occasion of this order is thus described by Calderwood, under the heading "A Pasquill found," but apparently with a misdating of the incident by two days:—"Upon Moonday the 28th a summons was found in the Proveist's seate, sealed, and a

Acta 1581–85. *Sederunt*—Ut in die predicto.

Holyrood-house, 8th February. Proclamation for keeping Lent.

Ordinance directing publication to be made of the Acts of Parliament and Privy Council prohibiting any one to eat, kill, or dress any kind of flesh between the 17th instant and the 31st of March next, "or yit upoun the Wednisday, Fryday and Setterday oulklie, thairefter, except sic personis as, upoun just and necessarie considerationis, sall obtene our Soverane Lordis licence to that effect."

Fol. 46, a. Renewed complaint of Mr John Preston, burgess of Edinburgh, against Cunningham of Drumwhassel.

The late Regent Lennox having been indebted to Mr Johnne Prestoun, burgess of Edinburgh, in the sum of £584, 12s. 4d., a precept had been directed to Johnne Cunninghame of Drumquhassill, chamberlain of the earldom of Lennox, charging him to pay to the said Mr Johnne the foresaid sum [see *ante*, p. 268 and p. 298]. Cunninghame had refused and still refuses, so that, unless he is compelled, the petitioner "wilbe frustrat, as he hes bene thir mony yeris bipast, far contrair all ressoun and gude conscience." Both parties having appeared before the Council, and Cunninghame having "desirit that the comptis of his intromissioun with the said Erldome micht be hard in presence of certane auditouris to be appointit be the saidis Lordes, to the effect it may be considerit quhidder he salbe found restand and debtour for the said sowme or not," the Lords ordain him "to bring and produce his saidis comptis befoir the Lordes auditouris of the chekker, at Halyruidhous or quhair it sal happin thame to be," on the the 25th of February instant.

Robert, formerly Bishop of Dunkeld, against Mr James Paton, the present Bishop.

Complaint of Robert, formerly Bishop of Dunkeld, as follows:—Mr James Patoun, now Bishop of Dunkeld, "be vertew of certane generall letters," has charged the complainer to make payment to him, within ten days, under pain of rebellion and horning, of 100 merks, "as for ane pairt of his releif of the lait taxatioun of fourtie thowsand pundis," and intends to put him to the horn for non-payment. This, the complainer submits, is unjust, "considering it is of veritie that the saidis generall letters grantit for the releif of prelattis appointis thair frehalders, fewaris, vassalis, subvassalis, ladeis of terce, conjunct fearis and pensionaris, onlie to be chargeit, under the quhilkis the said Robert can not be comprehendit, seing it is notour to his Hienes and the Lordes of Secreit Counsale that he hes na thing furth of the said bishoprik bot a sober portioun of coirnis and silver, quhilkis his Hienes and the saidis Lordis modifiit be thair decreit to him for his ressonable sustentatioun, upoun pietie and compassioun had for the tyme of his aigit and pure estait during his lyftyme" [see *ante*, p. 356]. For non-payment of this allowance, or of the greater part of it, "the said Mr James is divers tymes putt to the horne at the saidis Robertis instance;"

gibbet drawin upon the backe of it for Angus, Marr, and Dumfermline. It was directed to the Toun of Edinburgh to looke to the King, in name of Huntlie, Argile, Atholl, Crawfurd, Montrose, Seton, &c., in respect he was imprissouned in the Abbey, and was to be caried to England, as was to be feared" (iii. 699).

and his crafty purpose now, in bringing the said Robert to the horn by virtue of the said general letters, is "to purches the gift of his eschete, be the quhilk the thing modifiit be his Hienes and the saidis Lordis as said is for the said Robertis sustentatioun may returne in his awin handes." The complainer, though "nawys astrictit in payment of ony taxatioun for the reasonis foirsaid," has yet, for satisfaction, found caution for the payment of the 100 merks, if he shall be adjudged so to do by the King and Council [see *ante*, p. 546]. On these grounds he pleads that the said general letters of horning should be suspended as far as he is concerned.—Charge having been given to the defender, Mr James Patoun, to appear, "bringand with him the saidis generall letters" for consideration, and "the said Robert comperand be David Creychtoun, his procuratour, and the said Mr James being oftymes callit and not compeirand," the Lords suspend the process against the complainer, "ay and quhill the samin letters be produceit" and the complainer duly warned of their production. Acta 1581–83

Suspension of process of horning against Andrew Haitlie.

Complaint by Andro Haitlie in the Sneip that he has been wrongfully put to the horn by Walter Ker of Litleden for non-delivery of the tower and manor place of Mellestanis as charged [*ante*, p. 547]: because, "at the tyme he alledges the said houssis wes takin and wes chargit to be randerit, the said Andro wes dwelland and maid residence in his fathers place of the Sneip, nevir knawing ony thing ather of the takin of the samin houssis or of the charge foirsaid; nather wes he chargit personalie, nor at his duelling place to that effect." Even if he had been duly charged "to rander the houssis and biggingis within the place of Mellestanis," yet these do not appertain to the said Walter, but only the tower thereof, according to the contract between Walter Ker and the late Johnne Haitlie; "like as the said Andro hes ane tak and assedatioun sett to him of the saidis houssis and biggingis be the said umquhile Johnne lang befoir the making of the foirsaid contract, quhairupoun the mater is dependand betuix the said Walter and him presentlie befoir the Lordes of Counsale and Session." All the same the complainer has found caution to deliver up the whole to Ker if he shall be adjudged to do so by the King and Council [*ante*, p. 548]. For these reasons he pleads for suspension of the letters of horning against him.—Due charge having been given to Ker, "and the said Andro Haitlie compeirand personalie, and the said Walter Ker compeirand be Andro Ker, his sone," the Lords, after considering reasons on both sides, "togither with a discharge gevin be Alexander Young, messinger, upoun the ressait of the said tour of Mellestanis with certane insicht guidis being thairin to the said Walter Kerris behuif, conforme to our Soverane Lordes letters execute to that effect," suspend the letters of horning against the complainer, stating that they do so "in respect of the said discharge." Fol. 46, b.

Caution in £200 by Johnne Ker, younger, of Litilden, and James Vetche Fol. 47, a

Acta 1581–85. of North Syntoun, for Gilbert Ker of Primsideloch, that James, Commendator of Melros, and Alexander, Commendator of Culros, "his coadjutor and yconimus," their tenants and servants, shall be harmless of him in their bodies, lands and goods: Johnne Andro subscribing the band for Vetche, "becaus I can not wrett." The same parties become cautioners to the same effect for Robert Ker, son of the said Gilbert Ker of Primsideloch. Edinburgh, 21st February. Cautions for Gilbert Ker of Prymsydeloch and his son Robert.

Fol. 46, b. *Sederunt*—Jacobus, Comes de Glencarne; Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Allanus, Dominus de Cathcart; Adam, Episcopus Orchadensis; Robertus, Commendatarius de Dumfermling; Adam, Commendatarius de Cambuskynneth; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Prior de Blantyr; Prepositus de Dundie. Holyrood-house, 22nd February.

Supplication of Andro Monro of Dauchartie, [see Reg. Priv. Coun. vol. i. pp. 668, 671, 676], as follows:—"It is not unknawin to the Kingis Majestie and Lordis of Secrete Counsale in quhat maner this haill cuntrie, continewallie sen the cruell murthour of his Majesteis umquhile father of maist worthie memorie, wes vehemantlie bostit and troublit with all kynd of oppressionis, uproris, rebellionis, and utheris maist tressonable and seditious attemptatis, cheiflie committit within the north pairtis of Scotland, aganis his Hienes authoritie; in the quhilkis pairtis the said Andro having his haill landes and leaving liand, and according to the dewetie of ane gude subject being to all his pouer maist cairfull of the avancement of his Hienes authoritie in sic a rebellious tyme, enveronit with enemeis round about in these pairtis at that tyme, as is notourlie knawin, yit alwys, upoun hoip of his Hienes gude allowance, quhairof he doubtis not, he avowit his Majesteis service and faythfullie continewit thairin during the Fol. 47, a. haill tyme of the regiment of his Hienes dearest uncle, James, Erll of Murray, regent to his Majestie for the tyme; quha, having fund the experience of the said Androis service, and thairfoir willing, be the advise of the Counsale upoun occasioun offerit to him, to gif the said Andro ane small recompance for his grait skayth sustenit, gaif and disponit to him the richt, titill and feu ferme of certane landes of his Hienes propirtie liand within the lordschip of Ardmannoch and sherefdome of Inuernes, then pertening to Mr David Chalmer in few ferme, and fallin and becum in his Hienes handes and at his dispositioun be vertew of the proces and dome of foirfaltour ordourlie led and deduceit aganis the said Mr David (being vehementlie suspect as cheif counsellour, devisar, and committar of the maist cruell murthour of his Majesteis umquhile fader) for being at the Feild of Langsyde and utheris poyntis of tressoun, quhairof he wes convict in Parliament; at the granting of the quhilk infeftment, the said Lord Regent and nobilitie, than convenit for defence of the Kingis Majesteis authoritie, gaif commandment and charge to the said Andro to Petition of Andrew Monro of Docharty, for confirmation to him of lands forfeited long ago by Mr David Chalmers.

[1] Slightly out of its place in the Record, where it comes after entry of 25th February.

enter within the castell of the Channonrie of Ros, and to furneis the same with men and munitioun, for repressing of the greit commotioun and dissobedience sterit up in that cuntrie be his Hienes rebellis; quhilk he obtemperit and obeyit, and continewit thairin till the murthour of his Hienes said dearest uncle and entrie of his dearest guidsire to the regiment of this realme; in the custody and furnessing of the quhilk Castell he having continewit sic lang tyme, and thairthrow contractit great debt be the sumptuous charges and expenssis necessar for the preservatioun thairof, at last he wes constranit to meane himself to our said umquhile guidsire and Lordes of Secrete Counsale, craving to be exonerat thairof and of all forder speciall charge in that cuntrie; quhilk being altogidder refuissit, and new commandment gevin to him to insist in his former charge upoun promese of forder reward, his Majesteis umquhile guidsire band and obleist him that, in cais be the keping of the said hous in his Majesteis service and furthsetting thairof, upoun just compt, the said Andro sould happin to be superexpendit, that then his Hienes sould refound him the haill superexpenssis. Like as it is of veritie that, his comptis being hard be certane Lordes of the Secrete Counsell appointit to that effect be umquhile Johnne, Erll of Mar, regent to his Hienes for the tyme, he wes fund superexpendit in the sowme of twa thowsand sevin hundreth pundis, for the quhilk he nevir having ressavit ony recompance wes thairby constranit to wodsett the maist part of the saidis landes gevin and disponit be [? to] him be vertew of the said foirfaltour; and in speciall warrandice thairof he hes assignit a gude part of his auld heretage, quhilk as yit ar unrelevit, to his greit dampnage and skayth. Nevertheles, as he is informit, the said Mr David Chalmer, be secreit moyen of court, travellis to obtene his Majesteis benefite of Pacificatioun, and thairthrow to be repossest to the saidis landis, notwithstanding the gift thairof grantit and disponit to the said Andro for recompance of his service in maner foirsaid, and ratifiit and apprevit in Parliament thairefter [1581, c. 88, iii. 272]; quhairthrow his saidis landes and propir heretage, gevin in claus of warrandice of the saidis foirfaltit landis wedsett be him, as said is, for furtherance of his Hienes service and releif of the dett contractit be him thairthrow, wilbe altogither thirlit and engadgit, to his utter wrak and heirschip, gif his Hienes and the Lordes of Secrete Counsale provide not remeid heiranent." His prayer therefore is that the King and Council will "ratifie and appreve of new the gift and dispositioun of the saidis landis," and also pass an Act of Council decreeing that, "in cais it suld happin the said Mr David, his airis or successouris, to obtene the benefite of Pacificatioun at ony tyme heirefter," then the said lands shall be specially excepted from that benefit.—The King and Council, in consideration of the petitioner's good service and great losses, grant the prayer; and the King, with advice of Council, "ratifiis and apprevis of new the gift and dispositioun of the saidis landes," and also "decernis that, in cais it sal happin the said Mr David Chalmer, his airis or successouris, to obtene the said benefite of Pacificatioun at ony tyme heirefter," then the said lands shall be specially

Acta 1581–85.

Acta 1581–85. excepted in the pacification, any clause to the contrary "to be of nane availl, force nor effect," and the present petitioner, and his heirs, or those to whom he has conveyed the lands or any part of them, to enjoy the same, "at the leist ay and quhill his Majestie gratifie and reward the said Andro or his airis utherwys with sum uther benefite or causalitie worth the yeirlie deweteis and availl of the saidis landis."

Sederunt—Ut in die predicto. Holyrood-house, 25th February.

Fol. 47, b. Caution in 500 merks by David Dundas of Preistisinche for James Stewart, son and apparent heir of Alexander Stewart of Brighous, that he shall appear before the Council upon 1st March next, to answer "tueching the lait conspiracie allegit to have bene put to executioun within the palice of Halyruidhous." Caution for James Stewart

Caution by Willam Hay of Delgatty for William Leslie of Warderis, and Johnne Leslie of Culthis, his son and apparent heir, that Johnne Erskin of Balhagartie, his wife, bairns, tenants and servants, shall be harmless of them, in their persons, lands and goods, "ayther of thame" under a penalty of £1000. Edinburgh, 7th March. Caution for Leslie of Warders and his son.

Caution by George Meldrum of Fyvie for George Leslie, brother german of Johnne Leslie of Cultis, Johnne Marno at the mill of Glandestoun, Mr Williame Leslie, son of Williame Leslie of Warderis, Williame Wardlaw in Donydoure, Patrik Leslie in the Westinche of Tullifoure, Johnne Leith, son of Williame Leith, portioner of Barnis, James Leslie in Ardown, Johnne Leith and Alexander Burnett, servants to the said Johnne Leslie of Cultis, Williame Reid in Auldclochie, Johnne Reid in Alderclochie, Johnne Reid in Tullifoure, Williame Forbes, servant to the said Johnne Leslie of Cultis, and Thomas Betie, servant to the said George Leslie, that Johnne Erskin of Balhagartie, his wife, bairns, tenants and servants, shall be harmless of them, in their bodies, lands and goods, each under a penalty of £100. Caution for George Leslie and others.

Fol. 48, *a*. *Sederunt*—Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Allanus, Dominus de Cathcart; Jacobus, Dominus de Downe; Adamus, Episcopus Orcadensis; Robertus, Commendatarius de Dumfermling; Adamus, Commendatarius de Cambuskynneth; Commendatarius de Culros; Clericus Registri; Prepositus de Dundie; Clericus Justiciarie; Prior de Blantyre; Computorum Rotulator; Advocatus. Holyrood-house, 8th March.

The King and Council, "for certane caussis and considerationes moving thame," order letters to issue charging Coline M^{c}Kenze of Kintaill and other keepers of the Castle of Strome to deliver the same to Coline, Earl of Ergile, chancellor, or to his servants in his name, within six days after charge, under the pain of rebellion; which being done, his Majesty "dis- Charge to Mackenzie of Kintail to render the Castle of Strome to the Earl of Argyle.

charges thairefter the souirteis found be the said Coline M^{c}Kenze of befoir, Acta 1581–8
othir actit in the buikes of Secrete Counsale, or be contract, band or promeis betuix him and Donald M^{c}Angus M^{c}Allester of Glengarrie" [*ante*, pp. 541, 548]: the act regarding the same to be deleted from the Books of the Privy Council.

Holyrood-house, 13th March.

Sederunt—Joannes, Comes de Montrois; Hugo, Comes de Eglintoun; Willielmus, Comes de Gowry; Jacobus, Dominus de Down; Allanus, Dominus de Cathcart; Adamus, Episcopus de Orknay; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Culros; Clericus Registri; Prior de Blantyre; Prepositus de Dundie; Advocatus.

John Arnott and others against William Johnston.

Johnne Arnot, burgess of Edinburgh, Johnne Johnnestoun, son and heir of the late James Johnnestoun of Kellobankis, Mr Thomas Craig and the said Johnne Arnot, his curators, for their interest, complain to the King and Lords of Council that, "thay having obtenit divers and sindrie decreittis befoir the Sheref of Edinburgh and his deputtis, and befoir the provest and baillies of the burgh of Edinburgh, aganis Williame Johnnstoun, decerning him to content and pay to thame divers soumes of money, he upoun the xxii day of Marche the yeir of God j^{m}v^{c}lxxxi yeris menit him to the saidis Lordes, and upoun ane allegeance that he had obtenit decreittis upoun far gretar soumes aganis thame obtenit letters be thair deliverance suspendand the saidis complenaris decreittis." These letters "ar wranguslie and ewill purchest," against Acts of Parliament and form of justice, and the complainers represent that they ought to be discharged. Parties having been summoned and Johnne Arnot and Mr Thomas Craig, curators to Johnne Johnnestoun, and also Williame Johnnstoun, having appeared personally, the Lords discharge the letters of suspension obtained by the said Williame Johnestoun, and "ordanes the decreittis purchest be ather of the saidis parteis aganis uthers to be putt to dew executioun in all pointis conforme to the tennour thairof."

Earl of Glencairn against William Porterfield.

Complaint by James, Earl of Glencarne, as follows:—Williame Portarfeild Fol. 48, b.
of Duchall, on complaint to the King and Council, has obtained "previe letters" by which he has charged the Earl, "as takand the burding upoun him for his freindis," to subscribe within twenty-four hours after being charged, on pain of rebellion, "sic forme of assurance as suld be presentit be him, merkit be the clerkes of Counsale, to induir to the first day of Julii nix to cum," and has caused the Earl to be put to the horn, or means to do so, for his alleged disobedience. This is unjust, inasmuch as "it is of veritie that he and the said Williame Porterfeild hes fund cautioun ilkane to utheris, be ane judiciall registrat in the buikis of Secrete Counsale, that ilk pairtie contravenar of the said Act sall pay the soume of ten thousand pundis" [*ante*, p. 503], which Act as yet stands undischarged. It is represented therefore that the said letters against the Earl ought to be sus-

Acta 1581–85. pended "ay and quhill the foirsaid Act be dischargeit, at the leist quhill he be lawchfullie chargeit to heir the samyn Act dissolvit."—Parties having been summoned, and the Earl appearing by Hew Glen, his servant and procurator, but Porterfeild failing to appear, the Lords suspend the letters complained of, "ay and quhill the samin letters be produceit befoir the saidis Lordes and that the said Erll be warnit of the production of the same, as effeiris."

Pardon for all crimes within the West March done "sen Craigbent."

The King, with the advice of his Council, "hes thocht gude, concludit, and resolvit, to grant pardoun and remit to all and sindry personis dwelland within the boundis of the West Marche of this realme for crymes committit be thame sen Craigbent [see *ante*, p. 322], the personis cravand the said pardoun findand sufficient responsale souirteis, induellaris of Niddisdaill, to satisfie compliners for offences committit be thame sen the tyme foirsaid, and that thay sall abstene from the like in tyme cuming. And, in cais ony offendour duelland within the saidis boundis sall not, within the space of sex dayes efter the publicatioun heirof, accept the conditionis foirsaidis, and find souirtie to Johnne Johnnestoun of that Ilk, his Majesteis warden, for performance thairof in maner foirsaid, that in that cais the same warden caus thair houssis be taikin, intromettit with, dimolessit and cassin down to the ground, that the samin be not a resset to thevis and fugitives thairefter." Proclamation of the premisses to be made at the market crosses of Drumfreis, Lochmaben, and other places needful.

Edinburgh, 16th March.

Sederunt—Ut in die predicto.

Caution for the Earl of Argyle.

Caution in 10,000 merks by Johnne Campbell of Caddell for Coline, Earl of Ergile, that he shall deliver the Castle of Strome upon six days' warning, when required by the King, and that in the meantime the lieges shall be skaithless of those keeping the castle or resorting to it [see *ante*, p. 555].

Holyrood-house, 19th March.

Sederunt—Colinus, Comes Ergadie, cancellarius; Willielmus, Comes de Gowrie; Allanus, Dominus de Cathcart; Jacobus, Dominus de Down; Adamus, Episcopus Orcadensis; Commendatarius de Dumfermling; Commendatarius de Cambuskynneth; Commendatarius de Culros; Clericus Registri; Clericus Justiciarie; Prior de Blantyr; Prepositus de Dundie; Advocatus.

Forfeitures of caution for non-entry of Border criminals; and order to denounce Lancy Armstrong and three others.

Lancy Armistrang of Quhithauch, Jok Ellot, called Jokkis [Hobbis ?] Jok, Johnne Ellot, called Robeis Johnne, Arche Ellot, called Symmis Arche, and
Fol. 49, a. Hobbe Ellot, called James Hobbe, are found liable in the penalty of 1000 merks for not having entered Robbe Ellot of the Park, called Symmis Rowie, according to their act of caution [*ante*, p. 372]. Accordingly, they are ordained to make payment of the foresaid sum to Williame, Earl of Gowry, treasurer, "within ten dayes nixt efter thay be chargeit, under the pane of rebellioun."

The foresaid cautioners and Martene Ellot of Braidley are decreed to have incurred the penalty of 500 merks for not presenting Gawen Ellot, called Scottis Hobbis Gawin [*ante*, p. 372]. Acta 1581-85.

James Stewart of Scherelaw is found liable in the penalty of 1000 merks for not having entered Johnne Ellot, son of Elder Will, as pledge "for his gang ressavit be him out of his ward of the tolbuith of Edinburgh," according to his act of caution [*ante*, p. 376]. Fol. 49, b.

Order to denounce Lancy Armistrang of Quhithauch, Sym Armistrang of Mangertoun, Robert Ellot of Reidheuch, and Martene Ellot of Braidley, for not having appeared before the Council to answer "tuiching the redres of attemptatis committit be thair tennentis and servandis."

Robert Ker of Ancrum, Marten Ellot of Braidley, and Jok Ellott, called Gawinis Jok of Ramsygill, are declared to have incurred the penalty of 1000 merks, for not having entered before the King and Council Will Ellott, called Jokis Willie, "plege for the haill gang of Ramsygill, quha wer ressavit be thame ont of ward of the tolbuith of Edinburgh"; also a penalty of 500 merks for the non-entry of Hob Ellott, called Ill Hob of Ramsygill, brother of the said Jok, "being in the castell of Edinburgh for the tyme," according to their act of caution [*ante*, p. 372].

Ordinance that a clause be inserted in all gifts of non-entry.

"The quhilk day the Kingis Majestie, with avise of the Lordis of Secreit Counsale, for eschewing of fraude and of mony uther inconvenientis, hes thocht gude, concludit and ordanit, that in all giftis of nonentres to be past and subscrivit be his Hienes heireftir of quhatsumevir landis to ony persoun or personis thair be a speciall provisioun thairin contenit, that in cais the samin be gevin to the apperand air of the saidis landis, that he sall entir and obtene himself servit air as use is within the space of thrie termes nixt eftir the dait of the said gift; and, gif the samin be to ony uther persoun or personis, that thai sall persew, compryis and obtene thame selffis seasit likuise within the space of thrie termes eftir the dait of thair gift; and, failyieing thairof, the giftis maid to baith the ane and the uther to be null and to have na availl, force nor effect at ony tyme thairefter; and that the keparis of the Privie Seill on nawise pas or affix the said sele to ony gift wantand the formar provisioun at ony tyme heirefter, as thay will answer to his Majestie upoun thair obedience." Fol. 50, a.

Holyrood-house, 20th March.

Sederunt—Ut in die predicto.

William Fairlie against Adam Fullarton.

Claim "gevin in to the provest and baillies of Edinburgh be Williame Fairlie aganis Adame Foullartoun, and advocattit to the Lordis of Secreit Counsale," as follows:—In October 1571, "the said Williame being in the cuntrie of Flanderis in using his lauchfull merchandice, and myndit to depairt thairfra to Burdeaux in Gasconyie, and knawand himself addebtit

Acta 1581–85. to divers personis of this realme quhomefra he had coft merchandice of befoir in divers sowmes of money, he gaif command to Williame Wallis, his factour in Flanderis, to send hame in Scotland to James Fairlie, his broder, nyne merkis tua unce wecht Spainyie ryallis to have payit his said debt with; quhilk Williame deliverit to Lyoun Smaly, burges of the said burgh, the saidis nyne merkis tua unce wecht Spainyie ryallis, to have bein deliverit to the said James, his broder, to that effect; quhilk Lyoun Smaillye arryvit saiflye with the saidis ryallis in this countrie at the port of Leith in the moneth of December or thairby nixt thaireftir, on purpois to have deliverit the saidis ryallis according to his directioun to his broder. Nottheles the said Adame Foullartoun than wranguslie intromettit with the saidis ryallis, and tuik the samin fra the said Lyoun, and as yit detenis and withhaldis the samin fra the said Williame, and on na wyis will delyver the samin to him agane, or the availl thairof, extending to xxxvii s. ilk unce, without he be compellit."—Fullartoun having been cited, "and he comperand personalie and the said William being alsua personalie present," the Lords "admittis the said clame to the said Williame Fairleis probatioun, and ordanis him to produce sic witnesses, writtis and probatioun as as he will use for preving of the same clame befoir the provest and baillies of Edinburgh." The Provost and Bailies are to have power to give commission for the examination of witnesses abroad, if need be; and they are "to report to the saidis Lordis, to the effect thai may proceid and minister justice thaireftir in the said mater as accordis."

Andrew Galbraith and seven other persons to be denounced.

Complaint of Walter Kessen in M^c^Warranstoun, and Alexander Broun and Thomas Dik there, as follows:—On the 2nd of March instant "the said Walter, as sheref in that pairt, and the saidis Alexander and Thomas, as witnesses to him, past to the personall presence of Andro Galbraith, broder to James Galbrayth of Culcreuch, mynding to have execuit certane letters raisit at the instance of Walter M^c^Ala of Ardincapill aganis him;" on which occasion "the said Andro Galbraith, accumpanyit with Andro Galbraith, sone to Robert Galbraith in Turndarroch, Johnne Striviling, pakman, sone to Walter Striviling in Camsy, Donald Bathrik, houshaldman to Andro Galbraith, broder to the said James of Culcreuch, James M^c^Cala at the Burnifit of Gonaquhan, Johnne Millar in Gonaquhan, Johnne Provand, hynd to the said Andro Galbraith, Ferguss Myllar in Gonaquhan, and divers utheris his complices, to the nowmer of xxiiii personis or thairby, bodin in feir of weir, come upoun the saidis complineris, and not only cruellie and unmercifully invaidit thame for thair bodelie harmes and slauchteris, hurt and woundit thame in divers pairtis of thair bodeis to the greit effusioun of thair blude, and left thame all thrie liand on the ground for deid, swa that thay wer careit hame in ane hors littar, bot als reft and spuilyeit frome thame thair saidis letters, togidder with all thing that wes upoun thame for the tyme, deforceand thairby the said sheref in that pairt in the executioun of his office, and committand oppin and manifest oppressioun, in hie and proud contemptioun of our

Soverane Lord."—The foresaid persons having been charged to answer and having failed to appear, the Lords ordain them to be denounced rebels and put to the horn. Acta 1581, Fol. 50,

Caution for John Forrest.

Caution in £1000 by Nicoll Cornwell of Ballinhard for the entry of Johnne Forrest of Magdaleine when required.

Caution for John Hume.

Caution in £1000 by Patrik Home of Rentoun and Robert Ramsay of Wyliecleuch for Johnne Home, brother of Alexander Home of Manderstoun, that Johnne Newtoun in Greddane, his wife, bairns, tenants and servants, shall be harmless of him in their persons and goods.

Johnston of that Ilk licensed to meet the opposite English Warden in England or receive him in Scotland.

As it is understood that "the cheifest caus of the greit rebellioun and contempt of his Majesty, and of Johnne Johnstoun of that Ilk, his Hienes wardane and officiar of the West Merchis of this realme, be sa mony thevis and utheris disorderit personis, inhabitantis within the samin, is throu oft ressett of thift and mutuall dealing that at all tymes is usit betuix thame and thair nycthbouris being of the like conditionis and rank duelland on the opposite Merche, commoun innymeis to baith the realmes,—quhilk kynd of dealing seing the samin can not be remeidit nor thair insolence repressit and thai reducit to obedience unles thair be oft meiting and mutuall concurrence of the wardanis of bayth the Merchis, with thair forces, ather of thame within uther boundis at all tymes as occasioun sall sa require,"—his Majesty therefore, with advice of his Council, grants special licence to the said warden "to repair in propir persoun to the citie of Carlile, or ony uther pairt or place within the West Merche of England, als oft as he sall find it neidfull, upoun pasport and saufconduct of the opposite warden, as alsua that he grant the lyke pasport and saufconduct to the same opposite warden and his cumpany to cum to Drumfreis or ony uther part within the West Marche of Scotland," that the two Wardens may "treat and conclude upoun sic substantious forme and ordour as thai sall think maist meit to be followit out." For the execution of what they may agree upon, it is ordained that "ayther of the saidis wardenis, be thame selffis and utheris in thair names, convene thair forces and repair thairwith within, to, and fra utheris boundis and jurisdictionis als oft as salbe requisite, without pane, skaith or dangeare to be incurrit be thame or the personis being with thame in cumpany thairthrow," notwithstanding any acts or statutes to the contrary; such special ordinance to continue "during his Majesteis will and ay and quhill his Hienes speciall discharge."

Dispute as to the property of Patrick Brown of Linlithgow, a supposed suicide: with peculiar order in the case.

"Anent oure Soverane Lordis letters raisit at the instance of Maister Robert Lamby, makand mentioun that quhair, in the moneth of Maii last bipast, Patrik Broun, flescheour in Linlythquow, having put violent handis in his awin persoun and privilie put doun and drownit himself, his Majestie maid dispositioun to the said Maister Robert of the gift of all

Acta 1581–85. guidis, geir, and utheris pertening to him, as becum in his Hienes handis be the lawis and practik of the realme, as the gift maid thairupoun at mair lenth proportis. And, albeit the said Maister Robert hes satisfeit the Thesaurar for the said gift of escheit, and conforme thairto hes taikin intromissioun with the said umquhile Patrikis gudis and geir, not the les Williame Bischop in Ovirgogar, Beatrix Bischop, his dochter, and Walter Polwart in Cauldlaw, hes spuilyeit the said Maister Robert of his possessioun, albeit thai have na richt to the said umquhile Patrikis gudis and geir, and troublis and molestis him befoir the Lordis of Counsale and Sessioun, urgeand him to preif the maner of the said umquhile Patrikis violent putting handis in himself, thinkand thairby that it salbe unable to him to preif the said mater, be reasoun the forme of his death is not manifest to mony, or at the leist onlie knawin to thameselffis; althoucht it be of veritie that the said umquhile Patrik put violent handis in himself; quhilk may be easelie persavit be his lang absence and commoun brute of the cuntrie, and als be thair awin frivole excusationis, allegeand him to be past in England, quhair he wes nevir sene be na persoun, bot onlie be thair imaginationis for cullouring of the said wickit fact, tending thairby
Fol. 51, a. to obscure the veritie, in defraude of our Soverane Lord and his Hienes donatour foirsaid to his escheit, to his havy dampnage, hinder and skaith. And anent the charge gevin to the said Patrik Broun, be oppin proclamatioun at the mercat croces of the burrowis of Edinburgh, Linlythqw, peir and schoir of Leith, upoun lx dayis warning, becaus he is allegeit to be furth of this realme, to have comperit personalie befoir the Kingis Majestie and Lordis of Secreit Counsale at a certane day bipast, to the effect the certantie of the premissis micht have bene knawin, under the pane of rebellioun and putting of him to the horne, like as at mair lenth is contenit in the foirsaidis letters, executionis and indorsationis thairof, the said Maister Robert Lamby comperand personalie and the said Patrik being oftymes callit and not comperand, the Lordis of Secrete Counsale thairfore ordanis letters to be direct to officiaris of armes, shereffis in that part, to denunce the said Patrik, etc., and to escheit, etc."

Holyrood-house, 27th March. Bands of assurance between Lord Livingston and Monteith of Kerse.

Registration, by Williame Monteith of Cars on the one part, and Cosar, procurator for Williame, Lord Levingstoun, on the other part, of two bands of mutual assurance. By the one, subscribed at Callandar on the 26th of March 1583, Lord Levingstoun, for himself and his friends, assures Williame Menteith of Kers, his kin and tenants, till 1st November next, under the pain of infamy and of £5000. By the other, subscribed at Edinburgh on the 27th of March 1583, in presence of Mr Petir Rollok, Johnne Lowry, and David Brysoun, Williame Menteith of Kers assures Lord Levingstoun in similar terms.

Holyrood-house, 15th April.

Sederunt—Ergyle; Gowrie; Downe; Orknay; Dunfermling; Culros; Clerk Register; Justice Clerk; Privie Seill; Provest of Dundie; Advocat.

Order to denounce three Burnfields.

Order to denounce Alexander Burnfeild in Nethir Manys, Williame Burnfeild in Gordoun Manys, and Stevin Burnfeild of Quhitsyde, for not appearing to answer "tuiching the removing of the deidlie feid and contraversy standing betuix thame and certane of the surnames of the Haitleis." Acta 1581-

Holyrood-house, 19th April.

Sederunt—Ergyle; Montrois; Rothes; Gowry; Eglingtoun; Lyndsay; Doun; Cathcart; Orknay; Dunfermling; Culros; Clerk Register; Justice Clerk; Privie Seill; Provest of Dundie; Advocat [A Convention of Estates]. Fol. 51, b.

Application of the King for money: taxation of £20,000 granted meanwhile.

The King considering the "necessar occasonis urgeing him to have the ayde and support of his Estaittis tuiching the outred and relief of sic debtis as hes bein contractit in the trublous tyme bipast of his Hienes young aige, as alsua for making of sic charges as wilbe requirit toward the preparatioun for his mareage," and "having now convenit a gude nowmer of his Estaittis for thair gude advise in the premisses," the present meeting, "finding that the chargis requisite heiranent cravis the presence of a greittar nowmer of the Estaittis," refers the "finall resolutioun and advise upoun his Hienes present propositioun" to the next Parliament (to meet at Edinburgh on the 24th of October next) or to "a new Conventioun of the Estaittis in greittar nowmer nor is presentlie assembled;" but, for needful purposes in the meantime, a taxation of £20,000 is granted.—[This is the substance of the entry: see it at length in Acts of Parl. iii. pp. 328,329.]

Caution for Cuthbert Cunningham.

Caution in 300 merks by Robert Abircrumby, burgess of Edinburgh, for Cuthbert Cunninghame, provost of the college kirk of Dumbertane, that he shall admit Sir Colene Schaw to "ane beidmanschip of the said college kirk" if it be found that he should do so [see *ante*, p. 491]. Fol. 52, a.

Holyrood-house, 20th April.

Sederunt—Ut in die predicto.

Ker of Cessfurd, Warden of the Middle March, against Lord Home, Warden of the East March.

Complaint by Williame Ker of Cesfurde, Warden of the Middle Marches, as follows:—"Johnne Newtoun in Greddane, ane yeir syne or thairby, being fylit in ane Warden Court, haldin be the said Williame at Reddenburne, in a bill of Johnne Selbeis, Englisman, the said Warden, conforme to the custome of the Bordouris, entirit Johnne Kirktoun, his warden officiar, in Berwik, quhill redres micht have been had of the said bill according to the lawis of the Merchis; in default of the quhilk redres the said officiar hes remanit thair in Berwik this half yeir bygane upoun the said Wardanis expenssis; and, albeit the said Warden hes oft and divers tymes requirit Alexander, Lord Home, Warden of the Eist Merche of this realme, within quhais boundis the said Johnne Neutoun duellis, ather to entir him to the said Williame, or ellis to mak satisfactioun and redres of the said bill for the releif of him and his said officiar, conforme to divers and sindrie the said Lordis promissis maid alsweill be word as write to the said Warden thairupoun, yit can he find nathing bot postponing and delay

Acta 1581-85. Fol. 52, b.

of tyme, to his greit hinder and skaith."—Charge having been given to the said Lord Home to make the redress and satisfaction demanded within four days after being charged, under pain of rebellion, or else to appear and show cause to the contrary, and "the said Williame Ker of Cesfurde comperand presonalie, and the said Alexander, Lord Home, being oftymes callit and not comperand," the order is that letters issue "to charge the said Lord Hume simpliciter to the effect foirsaid."

Ordinance allowing prosecution of the Earl of Crawford and others, accused of slaughters.

Supplication by "Maister Thomas Lyoun of Balduky, and remanent kin and freindis of a greit nowmer of gentilmen and utheris slaine be David, Erll of Craufurd, and utheris his kin and freindis," as follows:—The complainers have often applied to his Majesty for leave "to have persewit the committeris of the slauchter of thair saidis freindis be the ordinar forme and cours of justice commoun to all estaittis of personis within this realme;" but his Majesty "hes usit delay frome tyme to tyme, declaring the tymes to be impropir, and thame thairfoir to stay." Though they have obeyed, it has been to their great hurt, "thair being divers slauchters committit in the menetyme be the said Erll, his kin and freindis, quha notwithstanding hes perswadit thameselffis of impunitie, in respect of his Hienes owersycht and delay usit in justice." And now the complainers understand that "his Majestie hes laitlie grantit licence to the said Erll to depairt and remane furth of this realme during ane certane space, quhairin, as the saidis complineris ar informit, is ingrossit that his Majestie during his absence hes taikin him, his kin and freindis, without exceptioun, under his Hienes protectioun, to be uncallit or persewit criminalie for quhatsumevir slauchter or cryme bigane quhill his returning." Knowing, however, from the King himself that he does not really mean to interfere with the course of justice, they most humbly crave "that be act and ordinance it may be declarit that thay salbe frie to persew the said Erll and utheris his kin and freindis, committeris of the saidis slauchteris, befoir the ordinar judges, conforme to the lawis of this realme and ordour observit in sic caissis, and that thai salbe subject to answer and underly the law for the samin slauchteris, notwithstanding the said licence and protectioun."—The supplication having been read, and it having been declared by his Majesty "that promeis wes maid to his Hienes be the said Erll the tyme of the purchessing of the said licence that he sould mak his men and servandis answerable to the lawis befoir his depairture furth of this realme, notwithstanding the samin licence," the King, with advice of his Council, grants the prayer of the petitioners, and commands his justice, justice-clerk, and their deputes and advocates, "to proceid and minister justice at particular dyettis to be appointit," without respect to the said licence and as if the same had never been granted.

Sederunt—Ut in die predicto.

Holyrood-House, 26th April.

Complaint of George Greinlaw in Bordland within the sheriffdom of

Complaint of George Greenlaw.

Peobles, as follows:—"Maister Jedeon Murray, chantour of Abirdene, minister, and Johnne Fawsyde, minister at Edilstoun, with thair complices, be the space of xv dayis bigane or thairby, tuik the said complineris persoun perforce and brocht him to the tolbuith of Edinburgh; quhair quhan he wes presentit, the provest and baillies thairof, as reasoun wald, refuisit to ressave him in ward, seing he nowther duelt within the sherefdome of Edinburgh or jurisdictioun of the burgh of Edinburgh, nor yit wes he apprehendit within the same, nor wes apprehendit for ony recent cryme. And thairfoir the saidis personis, apprehendaris of him, to move thame to ressave him in ward, allegeit him to be taikin for thift, and that thai wald persew him and find cautioun to that effect; quhilk offer causit the saidis provest and baillies to ressave him in thair ward within the said tolbuith; quhair he is yit haldin, to his havie dampnage and skaith, being a puir man, unable to sustein his chargis within the said tolbuith. Howbeit the saidis provest and baillies ar na judges competent to him; for the saidis personis, ministeris, apprehendaris of him, had na pouer nor commissioun to tak him, nor it accordis not with thair functioun, nor he wes not apprehendit with ony recent cryme, and it aggreis not with the lawis of this realme that upoun the particular malice of privat men he salbe apprehendit and put to the knauledge of ane assyis and accuisit generallie upoun all maner of dittay, bot he aucht to be summond upoun xv dayis warning, and have the copy of the libell, the bettir to use his just and lauchfull defenssis; upoun quhilk conditionis he is content to find cautioun that he sall compeir and underly the lawis ather befoir the justice-generall or his deputis the thrid day of the nixt justice air of the sherefdome quhair he duellis, or sonar upoun xv dayis warning, or befoir Williame, Lord Yester, sheref of Peoblis, haveand commissioun of justiciarie within the said sherefdome."—Parties having been cited, and "the said George Greinlaw comperand be Williame Twedy, his procuratour, and the saidis Jedeon Murray and Johnne Fawsyde being oftymes callit and not comperand," the Lords ordain the justice-clerk or his deputes to receive the complainer's surety for his appearance on the third day of the "nixt justice air of the sherefdome quhair he duellis," or sooner on fifteen days' warning, and, when such surety has been found, ordain the provost and bailies of Edinburgh to set him at liberty.

Acta 1581–8

Fol. 53, a.

New arrangements for the business of the Treasury.

"The Kingis Majestie, with avise of the Lordis of his Privie Counsale and auditouris of his Chekker, taiking consideratioun of the offices of his estait, speciallie of sic as hes the intromissioun and dispositioun of his Hienes rentis of his propirtie, casualiteis and collectorie, hes specicaly thocht convenient that the contempt of rebellis and personis liand at the horne salbe puneist be uptaikin of thair escheittis, as alsua that personis dilatit and suspectit as culpable of birningis, slauchteris, and utheris greit and odious crymes frequentlie committit, salbe callit to underly the law, and justice execuit upoun thame as accordis, to the terrour of offendouris and quieting of the cuntrey to his Hienes obedience. Thairfoir, and for the furthering

Acta 1581–85. and mair diligent executing of all thingis tending to the avancement of his Hienes service and commoditie in the office of thesaurarie, ordanis and commandis his Hienes rycht traist cousing and counsalour, Williame, Erll of Gowrie, Lord Ruthven, thesaurar, be himself, and Sir Robert Melvile of Murdocarny, knicht, his depute and clerk, to proceid and continew in excerceing and administratioun of the said office of thesaurarie, with the advise, concurrence, and assistence of George, Bischop of Murray, Robert, Commendatar of Dunfermling, his Hienes Secretar, Walter, Commendatar of Blantyir, Kepar of the Privie Seill, Sir Lues Ballenden of Auchnoull, knicht, justice-clerk, Maister David Makgill of Neisbitt, his Hienes advocatt, and Alexander Hay, clerk of register, or sa mony of thame as sal happin to be present for the tyme; and that thai appoint tymes and places for thair convening; and that all compositionis for his Hienes casualiteis to be maid and past in tyme cuming quhill his Hienes nixt Parliament be subscrivit be the saidis personis, or ony thrie of thame, the said Lord Thesaurar, or Sir Robert Melvile, his depute and clerk, being alwayes ane; and of his Majesties casualiteis to be ressavit his Majestie to be first furnissit, and the rest to be bestowed to the payment and outred of the bigane debtis in the said office, notwithstanding the former act maid at upoun the day of last bipast."

Charge to John Lindsay of Covington and others to enter three accused persons.

Inasmuch as "thair is rasing of fire and birning of cornis in maist treasonable and wickit maner, as alsua slaying and hoching of hors and oxin, laitlie attemptit in divers pairtis of the realme, to the displeasour of God, contempt of his Hienes lawis, and maist dangerous example in this commounwelth," and as an inquiry on the subject is to be made by Lords of the Privy Council appointed for the purpose, it is ordered that letters issue "to command and charge Johnne Lindsay of Covingtoun, fader, and Johnne Sommervile of Cambusnethaine, maister and haveare in houshald of Maister James Lindsay, sone to the said Laird of Covingtoun, and als to charge the said Johnne Lindsay of Covintoun, fader, and Levingstoun of Belstane, maister and haveare in houshald of Robert Lindsay, alsweill sone to the said Laird of Covintoun, and in lik maner to charge the said Johnne Lindsay of Covintoun, and Bernard Lindsay, his brother, as maisteris or landislordis, or as haveand in houshald Johnne, *alias* Jok, Bannatyne, respective, ilkane of thame for thair awin partis, to entir and present the saidis Maister James Lindsay, Robert Lindsay, and Johnne, *alias* Jokkie Bannatyne, as personis suspectit and dilatit to his Hienes as culpable of the saidis odious crymes, befoir his Hienes and his Privie Counsale, or sic thrie of thame that salbe directit to that effect, at Edinburgh, or quhair it sal happin thame to be for the tyme, the day of , to answer to sic thingis as salbe inquirit of thame at thair cumming tuiching the triall of the said odious and treasonable cryme, under the pane of rebellioun and putting of the saidis Johnne Lindsay of Covintoun, Barnard Lindsay, his brother, Johnne Sommervile of Cambusnethane, and Levingstoun of Belstane, to the horne."

Charge to the three persons to appear and answer.

Charge is also to be given to Mr James Lindsay and Robert Lindsay, sons of the Laird of Covyntoun, and Johnne, *alias* Jokkie, Bannatyne, called of Happerfeild, who are suspected of the foresaid odious crimes, to appear before the Council. Acta 1581–8 Fol. 53, b

Edinburgh, 4th May.

Caution for Sir William Sinclair of Roslin and his son.

Caution in £400 by Sir Williame Sinclair of Roisling, and Williame Sinclair, his second son, as principals, and Manis Sinclair of the Leyis and Mr Johnne Henrysoun of Drydane, as sureties, that Christiane Douglas, daughter of George Douglas of Parkheid, her tenants and servants of the lands of Harbertschire, said to belong to her in conjunct fee, shall be skaithless of the said Sir Williame and his son, in their persons, lands, and goods.

Holyrood-house, 6th May.

Sederunt—Adam, Episcopus Orchadensis; Commendatarius de Dunfermling; Commendatarius de Culros; Clericus Registri; Prior de Blantyir; Advocatus; Prepositus de Dundie; Computorum Rotulator.

Petition of Sir Alexander Jardine of Applegirth for himself and servant: day fixed for their trial.

Supplication by Sir Alexander Jardane of Apilgirth, knight, as follows:—He and his servant, Williame Tailyiefeir, are in ward in the Castle of Edinburgh, to which they had been committed by the King's command "for certane allegeit crymes gevin in be way of dittay be the Lady Lamingtoun and utheris the said Alexanderis unfreindis upoun him and certane his freindis and servandis." He had sent in a previous supplication on the 23rd of April last; at the reading of which, "in respect the said lady wald not, in presence of his Hienes and the saidis Lordis, tak upoun hir conscience that he and his saidis servandis wer culpable and giltie of the saidis crymes," the King and Council had licensed his servants, then in Edinburgh to attend the trial, to go home to their own dwelling places. As they were quite innocent, and "as the said Alexander is and evir hes bein alwayis yit willing and luiking that his innocencie of the saidis odious crymes sould be tryit conforme to the lawis," his prayer is that it would please the King and Council to relieve him from his present strait ward upon caution for his appearance on any day appointed for his trial, or at least to "alter his ward furth of the said castell within the burgh of Edinburgh and fredome thairof."—Charge having been given to Alexander Baillie of Litilgill and his wife to appear in the case, and "the said Alexander Jardane comperand be Charlis Jardane, his broder, and the saidis Alexander Baillie and his said spous comperand personalie," the Lords, after hearing parties, "assignis the fyft day of Junii nix to cum to the saidis Alexander Jardane and Williame Tailyiefeir to underly the law befoir the justice or his deputis in the tolbuith of Edinburgh for the foirsaid cryme, and ordanis the justice-clerk or his deputis to direct letters to summond ane assyis to the samin day, and the said Alexander Baillie and his said spous, and oure Soverane Lordis advocat for his Hienes interes, to insist in persute of the saidis personis at the samin day as use is, as the said advocat will answer to his Majestie upoun his office."

Acta 1581-85. Fol. 54, a.

Sederunt—Willielmus, Comes de Gowrie; Adam, Episcopus Orchadensis; Commendatarius de Dunfermling; Commendatarius de Culros; Clericus Registri; Prior de Blantyir; Prepositus de Dundie; Computorum Rotulator; Advocatus. Holyrood-house, 8th May.

Alexander Jardane of Apilgirth, as brother, master, and haver in household, of Johnne and James Jardane, his brothers, and as master, landlord, or haver in household of Thomas Jardane of Birnok, Thomas Jardane, his son, Will Jardane, called Reid Will, David Johnnestoun in Mylnebank, David Moffett in Sybbellesyde, Matho Moffat in Wodend, called Daveschaw, Will Bell and Niniane Jardane, is charged to enter all these persons before the King and Privy Council, to answer "tuiching the tryell" of the crimes of fire-raising and "slaying and hoching of hors and oxin," of which they are said to be guilty. Jardine of Applegirth charged to enter certain of his kin and servants.

Sederunt—Ut in die predicto. Holyrood-house 15th May.

Because "a greit nowmer of wickit and seditious personis, craftismen, inhabitantis of the burgh of Edinburgh, upoun the xiiii day of Maii instant, under silence of nicht, convenit thameselffis togidder in armes, and, in maist treasonable, barbarous and schamefull maner, persewit the houssis of the provest and ane of the baillies of the said burgh, straik up the duelling hous of the same baillie with foir hammeris, enterit thairin perforce, and with awfull countenance and boisting wordis compellit him to put at libertie furth of the tolbuith of the same burgh a malefactour being thairin for the tyme;" and because, in view of proceedings for that offence, "sum utheris personis, as his Majestie is informit, intendis to mak the like convocatioun and gaddering heireftir to the raising of forder trouble:" therefore, his Majesty, with the advice of his Council, orders proclamation at the market cross of Edinburgh forbidding all such illegal convocation or attempts to disturb the peace of the town, under pain of death, to be rigorously executed. Further, because it is understood that "a greit nowmer of the saidis seditious personis, committeris of the foirsaid offence, ar presentlie fugitive and hes withdrawin thameselffis in certane pairtis of the cuntre," letters are to issue charging all sheriffs, provosts, and bailies of burghs, etc., within whose jurisdictions certain fugitives may be lurking, "quhais names salbe gevin in bill to the officiar executour of the saidis letters," to search for them, apprehend them, and "bring and present thame to the saidis provest and baillies of Edinburgh, to be puneist for thair demereittis." Proclamation ordered in consequence of a riot in Edinburgh.

The King and Council understand that Alexander, Lord Hume, warden of the East March, Sir Williame Ker of Cesfurde, warden of the Middle March, and Johnne Johnnstoun of that Ilk, warden and justice within the West Marches, "pairtlie be the solistatioun of thair awin freindis and familiaris, and pairtlie for the furtherance of thair awin particular effairis," Order for the Wardens of the East, Middle, and West Marches.

are accustomed "to repair furth of the boundis of the saidis Marches to sindrie pairtis of this realme far distant fra the saidis boundis, and thair remane ane lang space, quhairthrow not onlie is thair chargis and offices neglectit and justice left unministrat during the tyme of thair absence, bot als occasioun is offerrit to wickit and evill disposit personis to commit stowth, reif, and all kynd of oppressioun and insolence." His Majesty, with advice of his Council, therefore commands the said three Wardens never in future to "repair furth" of their bounds on any pretence, without his Majesty's special direction in writing, as they shall answer to his Majesty on all highest peril. Acta 1581-83 Fol. 54, b.

Complaint of Christian Douglas, wife of Edward Sinclair, against her husband's father, Sir William Sinclair of Roslin, and his second son, William Sinclair.

Complaint of Christiane Douglas, daughter of George Douglas of Parkheid, and wife of Edward Sinclair, fiar of Roisling, as follows:—"The saidis Edwart and Christiane, with consent of thair parentis, lauchfullie contractit in mareage, and thairefter solempnitlie mareit in the abbay Kirk of Halyruidhous upoun a Sonday opinlie, be the space of viii yeiris syne or thairby last bipast; and, for hir dourie and conjunct fie, scho wes infeft in all and haill the landis and baronie of Harbertschire, liand within the sherefdome of Striviling; quhair, with help of hir fader and freindis, scho maid reasonabill biggingis and policie for the residence of hir said spous and hir with him thair, induring the liftyme of the auld Laird of Roisling. Like as the said Edward and scho remanit in cumpany togidder divers yeiris thairefter, but questioun or trouble in onywis, quhill, within this tolmount bypast, the saidis Edwardis fader and freindis, without ony sufficient caus, sinisterlie seducit and convoyit the said Edward fra hir, kepand him in a maner captive ay sensyne within the place of Roisling; quhair in the menetyme thai have pairtlie compellit and movit him, upoun manifest circumventioun of him, to his greit hurt, to gif owir his haill richt of the said leaving, alsweill of hir conjunct fie landis foirsaidis as utheris, and mak infeftmentis and alienationis thairof to utheris personis; quhilkis pretendit richtis thai ar suittand, at the leist intendis to suitt, confermit be our Soverane Lord, and thairby to denude him of his heretage and rychteous successioun dew to him as eldest sone and air of his fader, and als to mak impediment to hir, a young gentilwoman quha hes godlie and honestlie behavit hirself ay sen hir mareage, as thai thameselffis can not bot grant, in the peceabill possessioun of hir said dowrie and conjunct fie landis, quhairof thay have urgit him to gif letters of factorie and baillierie to uptak the samin induring his liftyme and to mak pretendit contractis thairanent. The quhilkis the said Edward micht nawyis mak nor lefullie do, becaus sone eftir thair mareage he wes, be interdictioun insert in the buikis of Secreit Counsale, with decreit of the Lordis thairof interponit thairto, and letters of publicatioun past thairupoun, execuit at the mercat croce of the burrowis of Edinburgh and Striviling, opinlie interdytit in maist suir maner fra all contracting, alienatioun, and away putting of ony pairt of his landis and heretage in hurt of himself or his airis. In respect quhairof, the alienationis and dispositionis quhilkis thay wald have con-

Acta 1581-85. fermit be our said Soverane Lord ar voyd and null in thameselffis; and yit, als lang as thai ar permittit to keip and detene the said Edward straitlie in thair handis and cumpany, quhair the said Christiane hes na acces to him, nather may he nor scho provide aganis the saidis pretendit titillis and inordourlie proceidingis thairof, without that he be put in ane frie place, quhair he may gif his awin declaratioun how he wes seducit and compellit thairto, and thaireftir concur with hir to the redres and reparatioun thairof; as alsua that he may repair and abyde with hir upoun that meane portioun of his leaving assignit to thame, and in the menetyme treat and interteny hir as it becummis the husband to do to his wife, conforme to Goddis law and ordinance."—Charge had been given to Sir William Sinclair of Roisling, and to William Sinclair, his second son, "to have comperit personalie and to have brocht with thame, exhibite, and presentit the said Edward, with all contractis, obligationis, charteris, and infeftmentis quhilkis thay persuadit him to mak during the tyme thai detenit him fra the said Christiane, and all seasingis tane thairupoun, befoir our Soverane Lord and Lordis of his Hienes Secreit Counsale;" and now, "the said Christiane Douglas comperand personalie, and the saidis Sir Williame Sinclair and Williame Sinclair, his secund sone, comperand alsua personalie, quha exhibitit and presentit the said Edward Sinclair, at quhome it wes inquirit gif he had maid dispositioun and alienatioun of his landis and heretage or ony pairt thairof, quha declarit that he hes disponit and maid securitie to the said Williame Sinclair, his broder, of all landis and heretage quhilkis he had or mycht succeid to as air to his said fader," the Lords, "in respect of the said Edwardis declaratioun, quhairby it appeiris that he hes bein compellit and movit be circumventioun, to his greit hurt and disherissing, to gif ovir his rycht of his haill leaving, alsweill of his said spous conjunctfie landis as utheris, and to mak infeftmentis and alienationis thairof," ordain "all confirmationis of the samin to be stayit, and intimatioun heirof to be maid to our Soverane Lordis thesaurar, and to the keparis of the signet, privie and greit seillis, and writtaris thairto and thair deputis, quhairthrow thay pretend na ignorance of the samin, and in the menetyme that the said Christiane persew for reductioun of the saidis infeftmentis befoir the judges competent as accordis." They also ordain "the maser of Counsale to pas and charge the said Edward to repair to the duelling hous of Johnne Fergussoun, maser, in Edinburgh, within tua houris nixt efter the said charge, and thair remane as in ane frie place quhair his said spous may have acces unto him, and he to abyde, adheir, treat, and interteny hir as his lauchfull wyfe heireftir, ay and quhill forder ordour be tane heiranent as appertenis, under the pane of rebellioun and putting of him to the horne, and, gif he failyie thairin, the saidis tua houris being bipast, that the said maser or other officiar of armes denunce him rebell and put him to the horne, and to escheit, etc."

Acta 1581–8

Sederunt—Ut in die predicto.

Holyrood-house, 16th May.
An armed muster to accompany the Warden of the Middle March to his meeting with the English Warden.

The King having "appointit and ordanit his weilbelovit Williame Ker of Cesfurde, warden of the Middle Merche of this realme, and kepar of Liddisdaill, to convene and meit with Lord Scrope, warden of the West Merche of Ingland, at Kersopfuce upoun the day of Junii nix to cum, for making redres for attemptattis committit be the subjectis within ather of thair boundis and jurisdictionis, and to aggrie upoun a place, tyme, and forme of meting and redres in tyme cuming," and it being necessary that the said Warden should be "weill accumpaneit," for the better discharge of his duty, and especially for the apprehension and repression of disobedient persons and fugitives, it is ordained by the King, with advice of his Council, that letters issue "chargeing all and sindrie erllis, lordis, baronis, gentilmen, frehaldaris, and substantious yemen men, duelland within the boundis of the sherefdomes of Roxburgh, Selkirk and Peblis, alsweill within regalitie as ryaltie, and the inhabitantis of burrowis within the same schirefdomes, be oppin proclamatioun at the mercat croces thairof," to muster, "weill bodin in feir of weir and with palyeounis to ly on the feildis," and "meit the said Warden at upoun the day of the said moneth of Junii," to be at his service for fifteen days, "under the pane of tinsell of lyff, landis, and gudis." Fol. 55, a.

Sederunt—Ut in die predicto.

Holyrood-house, 17th May.
Thomas Buchan and his wife and daughter, against the Earl of Errol.

Complaint by Thomas Buchane at the Brigend of Crowden, Sara Buchane, his daughter, and Elspet Johnstoun his spous, as follows.—Andro, Earl of Errole, "having consavit ane malice aganis the saidis compliners," has, by "sinister and wrang narratioun" to the King and Council, "obtenit a commissioun quhairby he hes causit tak and apprehend the saidis complineris, and incarcerat thame within the castell of Slanis, for the allegeit airt and pairt of the murthour and slauchter of ane bairne, and on his pretendit maner intendis to hald court upoun the saidis complineris for the said allegeit cryme, and put thame to the knawledge of ane suspect assyis, albeit thai ar maist innocent of the said cryme, and the said Andro, Erll of Arroll, can not nor aucht not to proceid be verteu of the said commissioun aganis thame, in respect that the same is sinisterlie past, by all ordour of law, seing that it is expreslie providit be Actis of Parliament that all personis delatit of capitall crymes aucht to be summond befoir the ordinar judge for the said cryme upoun xv dayis warning, except thay be taikin reidhand with the cryme." Now, "trew it is that the said Erll tuik thame not reidhand, nather yit wer thai fugitive for ony cryme that mycht be imput to thair charge; and the said Erll can not proceid aganis thame for the said cryme be vertew of the said commissioun, becaus he is the onlie sutar of the said commissioun, of deliberat purpois to dwaing and compell the saidis complineris to gif him geir; at the leist thinkis to put thame to the knawledge of ane suspect assyis of his tennentis and

Acta 1581-85. servandis, to get thame convict injustlie of the said allegeit cryme." They have found caution and surety for their appearance to underlie the law on the said charge "befoir the justice or his deputis, or ony uther judge unsuspect;" and they represent therefore that the procedure against them by the Earl ought to be discharged simpliciter.—The Earl having been charged to set the complainers at liberty within three days, or else to have produced them before the Council and shown cause to the contrary, "and the saidis Thomas Buchane, Sara Buchane, and Elspet Johnstoun, comperand be Williame Buchane, thair sone and procuratour, and the said Andro, Erll of Errole, not comperand, nor yit the saidis Thomas, Sara, and Elspet being exhibitit and presentit be him nor na utheris in his name, conforme to the said charge," the Lords ordain letters to issue to "command and charge the said Erll to freith, releif, and put the saidis complineris to libertie and fredome, and suffer thame to pas quhair thay pleis, within thrie dayis nixt eftir he be chargit thairto, under the pane of rebellioun, etc., and, gif he failyit, the saidis thrie dayis being bypast, to denunce and to escheit, etc."

Sederunt—Ut in die predicto.

Holyrood-house, 18th May.

Dispute between David Wemyss of that Ilk and John Boswell of Balmuto.

The King and Council having been informed "that David Wemis of that Ilk, on the ane pairt, and Johnne Boswell of Balmowto, on the uther pairt, Fol. 55, b. pretending rycht and title to the fischeing of Lochgellie, intendit to convocat thair freindis on ather syde, and violentlie to intruse thameselffis thairin," had directed letters to issue on the 15th of April last, with which the said parties were charged on the 17th of the same month to have appeared personally before the King and Council on the 24th of the same, "to have answerit upoun the premissis, and to have hard and sene ordour taikin thairanent as appertenit, dischargeing thame in the menetyme of all maiking of convocatioun of oure liegis or troubling of utheris be way of deid, under certane panis mentionat in the saidis letters." After the charge, however, "the variance and contraversie betuix thame for the said fischeing wes compromittit and submittit to certane freindis choisin for ather pairty, and a blank subscrivit for a mair perfite reconciliatioun to have bein had amangis thame." Notwithstanding this compromise and agreement, as his Majesty is informed, on the 14th of May instant, "Johnne Wemys of that Ilk, with his friendis and complices, to the nowmer of sex scoir personis, bodin in feir of weir, of the speciall causing and hounding out of the said David Wemys, come to the south syde of the said Loch, and biggit a forth and fowseit the same in all pairtis thairabout, and furneist the same with men and munitioun, set on ane boit upoun the said loch; quhairthrow occasioun of forder trouble is movit, to the greit inquietatioun of the cuntrie." Farther, since that occurrence, "letters ar privatlie purchest of his Majestie, chargeing ayther party to skaill thair forces and freindis and to suffer all materis questionabill betuix thame to remane in the same estaitt as it wes than, quhilk is far contrair the effect

of the formar letters appointing all thingis to remane in the same estaitt that it wes in upoun the said xvii day of Aprile." In consideration of these facts, "and that the saidis last letters wer purchest be circumventioun of his Majestie," it is now ordered that letters issue charging both parties to appear before the King and Council on the 8th of June next, under pain of rebellion, to hear the matter settled, and also that charge be given to both parties, under the same pain, "to desist and ceis fra all fischeing or making of innovatioun in the fischeing of the said Loch in the menetyme, contrair the state quhairin the same stude at the directioun of the saidis first letters execuit upoun the said xvii day of Aprile last bipast, and frome all making of convocatioun for that effect quhill the twenty day of the said moneth of Junii." Acta 1581-83

Edinburgh, 20th May.[1]

Caution for George Dunbar.

Caution by Thomas Andirsoun, "baxtar," burgess of Edinburgh, for George Dumbar of Auchinleisk, that he shall pay his "pairt of the taxatioun quhairwith he is chargit of the erldome of Murray" to George, Earl of Murray, if it be found that he should do so: Mr Robert Flescheour, vicar of Cowpar, warranting the cautioner in the premisses.

Caution for Patrick Errol.

Caution by James Cunninghame of Caverka for Patrik Errole, that he shall go abroad, within forty days after being charged, for the offence of which he was lately convicted before the provost and bailies of Striviling, and not return without the King's licence, under pain of death.

Edinburgh, 4th June.

Sederunt—Ut in die predicto.

Order to denounce the Earl of Craufurd.

Complaint of Margaret Erskin, Lady Ruthvennis, as follows:—The King and Council know that Adame Creychtoun, heir apparent of Ruthvennis, "having, without all feir or reverence of his Majestie, not onlie interprysit to besege houssis, rais fire, and reveis weman, bot alsua, accumpanying himself with sindrie wickit personis bodin in feir of weir, seirchit and socht divers his gude subjects, chasit thame for thair slauchteris, brak up thair houssis, reft, spuilyeit, and awaytuik thair money, evidentis, writtis, gudis, and geir," had been, for non-appearance before the justice to underlie the law for those crimes, denounced rebel and put to the horn. As even after that he had continued in "his wountit oppressionis and tyranny," it had pleased his Majesty "to grant commissioun to certane personis to seirche, seik, and tak the said Adame quhairevir he may be apprehendit, and to have transportit and presentit him to the capitane, constable, and keparis of the Castell of Dumbertane, thair to have remanit in sure firmance upoun his awin expenssis quhill justice wer ministrat upoun him." In virtue of this

[1] On this day the King, rather against the will of Gowrie and the other Lords of the Ruthven Raid, who had controlled him for the last nine months, left Edinburgh "to tak a progresse," going first to Linlithgow. According to Calderwood (iii. 713), the Earls of Mar, Angus, Bothwell, and Marischal accompanied him; and the next few entries are minutes of the proceedings of those of the Council who were left in Edinburgh in his absence.

Acta 1581-85. commission, after great diligence and search, "at last he wes taikin, and kepit in the hous of Ruthvennis quhill oportunitie micht serve for his mair suir transporting to the said castell, and his Hienes, being eirnist to sie the said commissioun put in executioun upoun the said rebell, being sa notable ane offendour, directit letters chargeing the provest and baillies of Dundie to have directit certane hagbuttaris of the same burgh, with Capitane David Creichtoun, appointit for the bettir convoy of the said rebell to the said castell." But meanwhile, on the 13th of March 1581, the said captain being then in Dundee for the purpose, "Johnne Lindsay, broder to David, Erll of Craufurd, Mr Archibald Cumming, James Betoun of Melgund, youngar, Walter Scott of Quhitslaid, Gilbert Auchtirlony, Thomas Bell in Leitsie, Wat Scott of Quhitpeill, Cristell Creychtoun,
Fol. 56, a. Henry Lauder, Johnne Carruthers, brother to George Carrutheris of Holmendis, servandis and dependaris to the said Erll, and divers utheris his freindis and dependaris, to the nowmer of fiftie personis or thairby, bodin in weirlyke maner, of his speciall causing, sending, hounding out, command, ressett, assistance, and ratihabitioun, come to the said hous of Ruthvennis, quhairin the said Adam, rebell, wes kepit for the tyme, and thair in maist treasonabill maner rasit fire, brint up the yettis, schott, hurt and woundit deidlie Patrik Creychtoun, George Creychtoun, brether, and sindrie gentilmen and utheris being in the said hous in perrell of thair lyffis, and maisterfullie reft and tuik the said Adame Creychtoun away, and transportit him to the toun of Dunkeld, quhair the said Erll remanit for the tyme, in proud and manifest contemptioun of our Soverane Lord, his authoritie and lawis." On complaint of this to the King and Council, other letters had been directed charging the Earl of Craufurd to appear and answer, presenting and exhibiting his said servants and dependers and also the said chief culprit and rebel; "at the calling quhairof the said Erll promittit to the Kingis Majestie that he sould keip the said Adame in his cumpany, and tak sic ordour with him as the said compliner and his tennentis sould be harmles and skaithles of him thairefter; upoun the quhilk promeis forder executioun of the saidis letters wer stayit. Nevertheless, on the 10th of May instant, "the said Adame Creichtoun, accumpanyit with xii personis, hornaris, or thairby, bodin in feir of weir, come to the Brigtoun of Ruthvennis, and reft and violentlie tuik fra the puir men, hir tennentis and servandis, twenty hors and meiris, xxx ky and oxin, with all the rest of thair moveabill gudis, and hes sittin doun in thair houssis, remanis thairin, and hes ejectit and output the puir men furth of the samin, quhairthrow thai ar wrakkit and maid altogidder unable to laubour or occupy hir landis."—Charge having been given to the said David, Earl of Craufurd, again to appear and present the foresaid culprit under pain of rebellion, and "the said Margaret Erskin, Lady Ruthvennis, comperand personalie, and the said David, Erll of Craufurd, being oftymes callit and not compeirand, nor yit the said Adame Creychtoun being presentit and exhibitit be him conforme to the said charge," the Lords order the Earl to be denounced and put to the horn.

Edinburgh, 6th June.
Caution for the former Bishop of Dunkeld.

Caution by Alexander Creychtoun of Drylaw for Robert, sometime Bishop of Dunkeld, that he shall pay to Mr James Patoun, now Bishop of Dunkeld, the sum of 50 merks, "for a part of his releif of the present taxation of £10,000 ordanit to be upliftit of the spirituall estait," if it be found that he should do so [*cf. ante*, p. 551]. Acta 1581–8

Edinburgh, 14th June.

Sederunt—Ut in die predicto.

Order that all attending the muster of the Middle March abstain from feud.

A muster of the lieges having been appointed to meet the warden of the Middle Marche at the Armitage upon 28th inst. [*ante*, p. 570], his Majesty, with advice of his Council, orders "oppin proclamatioun at all places neidfull," that none "invade or persew uther, owther for auld feid or new, in thair cuming, remaning or returning frome the pairtis foirsaidis, or mak provocatioun of troubill in word, deid, or countenance," under pain of death.

Edinburgh, 15th June.
Patrick McKie.

Caution in £1000 by Archibald M°Kie of Myretoun and Gilbert Kennedy of Girvenmanis, as principals, and Thomas M°Culloch, fiar of Ardwell, as cautioner, for the entry of Patrik M°Kie, brother of Alexander M°Kie in Quhithillis, upon 1st January next.

Edinburgh, 17th June.
Caution for Jonet Adamson.

Caution in 2000 merks by Johnne Adamesoun, bailie of Edinburgh, for Jonet Adamesoun, relict of Mr James M°Gill of Nethir Rankelour, that Mark, Commendator of Newbottill, and Mr Merk Ker, his son, their tenants and servants upon their lands of Craighoip, Huntlawcort and Morphat, shall be skaithless of her tenants, in their persons, lands, and goods. Fol. 56, b.

Edinburgh, 27th June.
Caution for Mr Mark Ker.

Caution in 2000 merks by Robert Ker, younger, burgess of Edinburgh, for the said Mr Merk Ker, that the said Jonet Adamsoun, her tenants and servants upon her lands of Cotlaw and Gledhous, shall be harmless of him and his servants, in their personis, lands and goods.

St Andrews, 2nd July.[1]

Sederunt—Colinus, Comes Ergadie; Robertus, Comes de Marche;

[1] Just before this date there had occurred that counter-revolution in Scottish affairs by which the revolution of the Raid of Ruthven in August 1582 was undone, and the opposite party of the Duke of Lennox and the Earl of Arran was again brought into the ascendant. The Duke himself, indeed, had just died in France (May 26, 1583); but the wrecks of his party survived in dispersed strength, represented in chief by the Earl of Arran, who had been living since the Ruthven Raid under political disqualification and more or less as a prisoner (*ante*, pp. 508, 519). The immediate instrument of the counter-revolution was Colonel William Stewart, a soldier of fortune, who had served in Flanders, and was now Captain of the King's guard (*ante*, pp. 519, 521, 576). He had just returned from a mission to Queen Elizabeth on the part of James, and had joined the King at Falkland Palace, when the incidents occurred which are thus narrated by Calderwood (iii. 715, 716):—"The King, greatlie greeved at the death of the Duke, was the more exasperated against the Lords Reformers. He advised with Colonell Stewart how he might be freed out of their hands. It was devised that he sould withdraw himself secreitlie out of Falkland to Sanct Andrewes, and there remaine till suche noblemen repaired to him as he sould write for. So he went out of Falkland to Sanct Andrewes the

Acta 1581–85.

Joannes, Comes de Montrois; Jacobus, Comes de Glencairne; Andreas, Comes de Rothes; David, Comes de Craufurd; Willielmus, Comes de Gowry; Jacobus, Dominus de Down; Commendatarius de Dunfermling; Commendatarius de Newbottill; Prior de Blantyir; Clericus Registri; Computorum Rotulator; Prepositus de Dundie; Advocatus.

Declaration of his Majesty concerning his removal to St Andrews, with orders respecting his Council, and exoneration of Colonel William Stewart.

"Forsamekle as the Kingis Majestie, being deliberat laitlie to repair frome his palice of Falkland to the citie of Sanctandrois, quhairunto he had willit and commandit the greitest pairt of his Counsale to convene upoun the xxviii day of Junii last bipast, for consultatioun and ordour-taiking in the wechtie effairis of his estait, hering of the intentionis of divers of the nobilitie and utheris, not writtin for nor requirit be his Hienes to be present at the assemblie of his said Counsale, and amangis a greit nowmer of quhome thair stude greit querrellis and deidlie feidis unreconsiliat, to cum to the said citie of Sanctandrois armit and with convocatioun of thair freindis, servandis, and dependaris, not onlie to his Majesteis offence, bot to the apperand disturbing and trouble of the frie deliberationis of his said Counsale, quhairupoun it pleasit his Hienes to command sum watche and gaird to be kepit within the said citie, as alsua for sum few dayis to mak his awin residence and to keip his hous within the Castell of Sanctandrois, quhair his nobilitie and Counsale micht have acces the mair frelie to deliver thair opinionis unto his Hienes; quhilkis being convenit, it wes fund expedient, resolvit and concludit be his Majestie, with avise of his said present Counsale, that of the haill nowmer certane of the principallis of his Hienes Counsale, of greitest experience and judgit be his Hienes maist indifferent, sall tarie and remane with his Majestie quhill the consultatioun and ordouring of the wechtie effairis of his estait now resting to be deliberat upoun,—specialie his Hienes greit uncle, Robert, Erll of

27th of June, accompanied with Colonell Stewart. After he had supped with the Erle of March, his grandfather's brother, he went secreitlie to the castell. The Colonell tooke the custodie of the castell. Huntlie, Crawfurd, Montrose, Argile, came to Sanct Andrewes the day following, privie, as appeared, to the interprise. Marr [one of the Ruthven Raiders] sent to the Erle of Angus; Angus sent to the Erle Bothwell to come over the water in all haste. But, before that Angus and Bothwell came within six myle of Sanct Andrewes, they were discharged, by an herald of armes, to come with forces. They obeyed, and went in quiet maner; and, after they had spokin with the King, he commanded them to returne home and remaine at their owne houses. It was thought that the Erle of Gowrie was privie to his departure out of Falkland. Others report that he was not privie to it, nor to the change made at Sanct Andrewes, but, fearing that the King would remember his interteanement the last yeere, resolved to prevent the inconvenient, if it were possible, and therefore desired the King's licence to come to him in a privat maner. Others report that he was sent for. When he came to the Castell of Sanct Andrewes, without anie farther processe, he asked pardon upon his knees for the fact committed the yeere before, and professed himself penitent for the same, as also for the speeches he had uttered against the umquhile Duke of Lennox. Yitt it is said that he constantlie affirmed that, howbeit there was a fault in the forme, yitt the deid itself was not evill, in respect of the great danger that both religion and the commonwealth did stand into at that time. This was done in presence of Argile, Atholl, Rothesse, and some others. By seeking and accepting a remissioun he condemned himself and his whole associats, and in the end overthrew himself and the caus."

Marche, Colene, Erle of Argyle, Lord Campbell and Lorne, his Hienes chancellar, Williame, Erle of Gowry, Lord Ruthven, his Majesteis thesaurar, George, Erle Marschell, Lord Keith, Johnne, Erle of Montrois, Lord Grahame, and Andro, Erll of Rothes, Lord Leslie, with the ordinar officiaris of his Hienes estait being of his said Counsale, or sa mony of thame as sal happin to be present, and that the remanent of his nobilitie and Counsale salbe licencit and permittit to returne and pas hame to thair houssis at thair pleasour, ay and quhill his Majestie have occasioun of new to require thair presence. And as tuiching the occasioun of his Hienes repairing and remaning within the said castell, and gairding and keiping thairof with the restraint of multitudis to entir thairin, all proceiding of his Majesteis speciall command and directioun, and performit be his trustie servand Colonell Williame Steuart, capitane of his gaird, findis and declaris the samin to have bein and to be for his Majesteis service, weill and suirtie, tending to the commoun weill and quietnes of this realme, and for the eschewing of sic dangearis and inconvenientis as apperandlie wer to have fallin out, without sic tymous preventioun had bein maid, and thairfoir allowis and approvis the samin as done be his Hienes "expres command and directioun." Acta 1581-

St Andrews, 4th July.

Sederunt—Ut in die predicto. Fol. 57, a.

Order respecting conflux of earls, lords, barons, and others to his Majesty, with regulations as to the number of their attendants.

"Forsamekle as the Kingis Majestie, desyring nathing mair nor the quiet state and gude governament of his realme in peax and justice, findis na ane thing mair contrarious to the satisfactioun of his mynd than the abuse commounlie frequented amangis a greit nowmer of the erlis, lordis, baronis, and utheris within the realme, presuming quhan thai pleis to repair to his Hienes presence with convocatioun of his Hienes subjectis armed with wapynnis prohibited to be worne or usit be Actis of Parliament and of Secreit Counsale, quhairthrow his Hienes authoritie is greitlie contempned, and oftentymes inconvenientis fallis out, to the greit inquietatioun of the publict peax of the realm, gif tymous remeid be not provydit: Thairfoir, his Majestie, with avise of the Lordis of Secreit Counsale, ordanis letters to be direct, commanding and chargeing all and sindrie erllis, lordis, baronis, knychtis, gentilmen, and landit men, be oppin proclamatioun at the mercat croces of Edinburgh and all uther mercat croces and places neidfull within this realme, that nane of thame tak upoun hand to repair to his Majesties presence, or within sex mylis to the place of his residence, armed, nor yit accumpanyit with ony ma personis than is particularlie eftir specifeit;—that is to say, everie erll and bischop with fyftene horsmen besyde himself; everie lord, abbot, and priour, with ten horsmen besyde himself; and everie baroun, knycht, gentilman, and landit man, with sax horsmen at the monyast,—all in peceable maner and without armour, as thai and everie ane of thame will answer to his Hienes upoun thair obedience at thair uttirmest charge and perrell, and under the pane of incurring his Hienes displeasour and indignatioun: certifeing thame

Acta 1581–85. that dois in the contrair thay salbe noted, accusit, callit, persewit, and puneist with all rigour, in exemple of utheris."

Caution for Lord Ogilvie and the Master of Ogilvie.

Caution in 10,000 merks by Patrik Gordoun of Auchindoun and Johnne Gordoun of Pitlurg for James, Lord Ogilvie, and James, Master of Ogilvie, his son and apparent heir, that Patrik Wod of Bonytoun, his tenants and servants, shall be harmless of them in person, lands, and goods.

Caution for Patrick Wood of Bonnytoun.

Caution in 10,000 merks by David Wod of the Craig and Walter Wod, apparent of Fettircarne, that the said Lord and Master of Ogilvie shall be skaithless of Patrik Wod of Bonytoun.

Grahame entered.

Johnne Johnstoun of that Ilk presents Anthone [Arthour?] Grahame of Blawatwod, according to his obligation.

St Andrews, 5th July.

Sederunt—Ut in die predicto.

Proclamation to all and sundry "to contene thameselffis in quietnes."

His Majesty, "being alwayis of intentioun to schaw and declair himself unto all his loving and gude subjectis in all degreis ane frie and gratious Prince, disposit to governe thame indifferentlie in peax and justice," had resolved, upon coming from his castle of Falkland to the city of Sanct Androis, that only the most experienced and impartial members of the
Fol. 57, b. Council should remain with him, the rest returning to their homes and continuing there till the King should require their presence [*ante*, pp. 575, 576], "or that thai sal happin to have occaisoun to cum for thair awin gude and lauchfull eirandis." As, for this purpose, "his Hienes will admit all his gude subjectis frelie and indifferentlie unto his presence, thay reparing unto his court with thair moderat and quiet cumpanyis and houshalderis unarmit, and in quiet and peceable maner," general proclamation to that effect is ordered, charging all the lieges at the same time "to contene thameselffis in quietnes, under the rewle and obedience of his Hienes lawis, and on nawayis to do or attempt ony thing tending to the violatioun heirof," at their uttermost peril.

Edinburgh, 8th July.

Caution for Finlay McQuharg and others.

Caution by Patrik Murdoch of Camlodden, in 500 merks each, for Finlay M^{c}Quharg in Cardoikane, Walter M^{c}Tagart in Glenloy, Michaell M^{c}Tagart in Kilgalyeit, and Thomas M^{c}Tagart in Carindire, that they shall answer before the justice in the tolbooth of Edinburgh, upon the 6th of August next, "for the treasonable raising of fyre and birning of certane houssis, barnis and peitstakis," belonging to Williame Steuart of Fintillauch, in November 1577, February 1581, and April 1583. Johnne Andro subscribes for the parties, "becaus we can not wryte."

St Andrews, 10th July.

Sederunt—Adam, Episcopus Orchadensis; Commendatarius de Dunfermling; Commendatarius de Culros; Commendatarius de Pittinweme; Clericus Registri; Robertus, Clericus Justiciarie.

Alexander Mowbray and Humphry Lennox to be denounced rebels.

Complaint of Master Johnne Hart, bailie of the Cannongait, as follows :— Acta 1581–8 On the 3rd of May instant, "he being gangand in quiet and peceable maner besyde the palice of Haliruidhous, luikand for na harme nor injurie to have bein done to him be na maner of persoun," Alexander Mowbray, brother of the Laird of Barnbowgall, "accumpanyit with ane uther licht young man," had "come and invadit the said Maister Johnne for his lyfe in the sycht and windowis of the said palice, and, war not the grace of God and his bettir defence, had reft him of his lyfe, without ony maner of injurie done be the said Maister Johnne to thame, and the said Alexander being unknawin to him at that tyme, he being his magistrate and baillie of the Cannongait for the tyme. Lyke as the said Alexander, continewing in his wickit mynd toward the said Maister Johnne, hes dalie sensyne lyin for his slauchter, and hes, to that effect, associat to himself certane company of young men, quhairby he dar not use himself in the discharge of his office and doing of his lefull bissines in quiet and sobir maner, bot is constranit, for feir of his lyfe, ather to leif his dewitie of his office under the Kingis Majestie, or ellis to hurt himself be the intertenying of greittar cumpany nor his rent or habilitie can mont to, to gaird him fra the gaird of the said Alexander and his young cumpany; quhilk thai feir not to attempt at the portis of his Hienes palice, to the greit contempt of our Soverane Lord and authoritie, and hurt of his trew and quiet subjectis." Alexander Mowbray and Umphra Levenax, though lawfully summoned to answer to the foresaid complaint under pain of rebellion, having failed to appear, the Lords ordain them to be denounced rebels.

Edinburgh, 15th July.

Mr David Maxwell and others on the one side, and James Veitch and others on the other, to be put to an assize.

Appeared this day, "in presence of the Lordis of Secreit Counsale,"[1] the following persons :—"Maister David Maxwell, servitour to Johnne, Erll of Mortoun, Andro Portar, Williame Neilsoun, Thomas Cleuch, James Thorbrand, Williame Broun, eldar, Williame Broun, youngar, Johnne Forrestar, David Ritchertsoun, Clement Aitchesoun, George Mark, Adame Allane, and James Merk, on the ane part; and James Vetche of Cowrhoip, Andro Vetche, his broder thair, Gawen Vetche in Finglen, Robert Lintoun in Mekilhoip, Williame Broun in Hoprew, on the uther pairt: being accusit and dilatit ather of thame be uther of the treasonable raising of fire and birning of certane houssis within the toun of Flemingtoun upoun the xxii Fol. 58, a. day of Junii last bipast, and of sindrie uther crymes specifeit and contenit in the letters rasit at ather of the saidis pairteis instance aganis utheris thairupoun." Both parties denying their guilt, the Lords, "willing to have the saidis personis tryit and sic as beis fund giltie to be puneist," resolve "that bayth the saidis pairteis salbe put to the knauledge of ane assyis befoir the justice or his deputis in the tolbuith of Edinburgh, upoun the xxiii day of Julii instant," and therefore "ordanis the justice-clerk or his deputis to direct letters to summond ane assyis to the said day, and

[1] This means before a detachment of the Council then in Edinburgh, the King being still in Fifeshire.

Acta 1581–85. als to continew the dyett appointit betuix the saidis pairteis upoun the xx day of Julii instant to the said xxiii day of the same moneth;" and meanwhile "commandis the saidis Maister David Maxwell and James Vetche of Cowrhoip, being baith personalie present, to entir thair personis in ward within the tolbuith of Edinburgh betuix and the morne, the xvi day of Julii instant, be xii houris at none, under the pane of rebellioun and putting of thame to the horne;" while "all the uther personis abonewritten, being alsua personalie present, wer siclyke commandit and chargit to find sufficient and responsall souirteis, ilkane of thame under the pane of ane hundrith pundis, actit in the buikis of Secreit Counsall, that thai sall compeir befoir the said justice or his deputis the saidis day and place and underly the law for the said treasonable cryme, and the said souirtie to be fund within xxiiii houris nixt eftir the said charge, under the said pane of rebellioun," and also under pain of being "repute, haldin, and estemit gilty of the said treasonable cryme and as taikaris of the same upoun thame," and being punished accordingly.

Edinburgh, 17th July. Order to denounce James Veitch and the others of his party.

Notwithstanding the ordinance of the day before yesterday, James Vetche of Cowrhoip "hes not enterit his persoun in waird within the said tolbuith within the space abone mentionat, bot is departit hame to his awin duelling hous, lyke as the saidis Andro Vetche, his broder, Gawen Vetche, Robert Lyntoun, and Williame Broun, ar alsua departit and past hame to thair duelling houssis, na souirtie being fund be thame within the tyme foirsaid appointit to that effect, taikand thairthrou the said treasonable cryme upoun thame." The Lords therefore order letters to issue to denounce the defaulters and put them to the horn.

Mr John Hay admitted as one of the depute-clerks of the Council.

"The quhilk day, in presence of the Lordis of Secreit Counsale, Maister Johnne Hay, sone to Alexander Hay, clerk of our Soverane Lordis register, as ane of the depute clerkis and scrybe in his Majesteis Previe Counsale to the said Alexander Hay, principall clerk and scrybe thairof, wes admittit to use and exerce the said office in tyme cumming; lyke as the said Maister Johnne, being personalie present, gaif his aith that he sould lelelie and trewlie use and exerce the said office in all thingis appertening thairto, as he sould answer to God and to his Majestie thairupoun."

Fol. 58, b. Edinburgh 18th July. Caution for Mr John Colville.

Caution in £1000 by Gilbert Dik, merchant, and Gilbert Prymrois, "chirurgeane," burgesses of Edinburgh, for Mr Johnne Colvill, chantor of Glasgow, that he shall remain within the bounds of Glasgow till relieved [see *ante*, p. 529].

Falkland, 19th July.

Sederunt—Colinus, Comes Ergadie; David, Comes de Craufurd; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Jacobus, Dominus de Down; Commendatarius de Newbottill; Clericus Registri.

The King, considering the right of revocation conferred on him by the

King's revocation of certain lands granted by him to the late Duke of Lennox.

common law, remembers that among his grants made to his dearest cousin, the late Esme, Duke of Lennox, had been the following:—"All and haill the five pund land of auld extent of Garganiequhane, with the pertinentis; all and haill the landis of Ballagan, with thair pertinentis callit the Freir landis; all and haill the landis of Ballincreif, with the mylnis thairof; the landis of Bawairdie; the landis of Eistoun and Torbane, with tennentis, tennandreis, and service of frie tennentis thairof, and all and sindrie the landis of Cruikesfew, with the castell thairof; the landis of Inchechynnane, with the maner place and palice thairof; the landis of Parthik Schott, with the mylne, multures, and pertinentis thairof; all and haill the landis and baronie of Torboltoun, extending to ane hundreth pund land of auld extent, with tennentis, tennendreis and service of frie tennentis thairof, and thair pertinentis; the landis of Gawstoun, with the toure, fortalice, and maner place of the same, and thair pertinentis, extending to fourty merk land of auld extent; the landis of Dreghorne, with thair pertinentis, extending to xx merk land of auld extent; all and haill the erldome of the Levenax, lordschip and landis thairof; the office of sherefschip of the haill schirefdome of Dumbertane, with tennentis, tennendreis and service of frie tennentis thairof, and salmond fischeing in the watter of Levin and Garlochheade, and thair pertinentis; the landis, lordschip, regalitie, baronie, toun, and burgh in barony of Dalkeyth, with the castell, fortalice, maner place, mylnis, multuris, woddis, fischeingis, tennentis, tennendreis, and service of frie tennentis thairof; the landis and barony of Garmyltoun Dunnyng, with the maner place, yairdis, and pertinentis thairof; the landis of Elphingstoun, with the mylnis and multuris thairof; the landis and barony of Caldercleir, with the maner place, yairdis, and pertinentis thairof; the landis of Bonytoun; the landis of Bairnis; the landis of Kincavill; the landis of Drumcors; the landis of Gallowhill; the landis of Williame Craigis, with thair pertinentis; the landis and barony of Quhittinghame, with the castell, toure, fortalice, mylnis, multuris, woddis, fischeingis thairof; the landis of Hawthornesike, with the pertinentis; the landis of Dichmont; the landis of Holden; the landis of Knychtisrig, with thair pertinentis; the landis and barony of Alndour, with the castell, tour, fortalice and pertinentis thairof; the landis of Grange; the landis of Tyrie; the landis of Wodfeild; the landis of Seyfeild; the landis of the tua Bawertanis, with the tour, fortalices, and maner places thairof; the landis and baronie of Mordingtoun, with the maner place thairof; the landis of Gannoch; the landis of Petculane, with the fischeing thairof upoun the watter of Tay; with tennentis, tennendreis, service of frie tennentis of all and sindrie the landis, lordschippis and baroneis abonewrittin and all thair pertinentis: Quhilkis landis, lordschippis, and baroneis pertenit to his Hienes in propirtie, particularlie be richt of ordinar and lauchfull successioun, and particularlie be ressoun of forfaltour." Now, accordingly, "his Hienes, understanding the saidis alienationis and dispositionis maid be his Majestie to his said umquhile derrest cousing, Esme, Duke of Levenax, to have bene and to be to his Hienes enorme

Acta 1581–8

Acta 1581-85. hurt and lesioun, and to have tane the effect desirit be his Hienes at the tyme of the making of the same dispositionis, thairfoir his Hienes being now past the sevintenth yeir of his aige, revokis, cassis, and annullis all alienationis, infeftmentis and dispositionis maid be his Majestie to his said umquhile derrest cousing and his airis, of all and sindrie the saidis landis, lordschippis and baroneis specialie befoir expremit, with tennentis, tennendreis, service of frie tennentis thairof, and all thair pertinentis, togidder with all giftis or assignationis to reversionis of the same landis, lordschippis, and baroneis or ony pairt thairof; and this his Hienes revocatioun he will and declaris sall extend to all thingis propirlie comprehendit under the same, fra the deceis of his said umquhile derrest cousing, als largelie as the revocatioun maid be ony of his maist noble progenitouris or himself in ony tyme bygane; declaring that, albeit his Hienes of his favour and benevolence suffer ony persoun or personis to use, posses, and bruik ony privilegis, possessionis of landis, rentis, and offices, or of ony thing quhatsumevir, falland under the said revocatioun, it salbe lefull to his Hienes to put his handis thairto quhan he pleissis, but ony contradictioun, be vertew of this his revocatioun, actis and constitutionis of his realme; protesting solempnitlie that the default and want of ony solempnities requirit in this behalf, gif ony be, be na prejudice to his Hienes anent his foirsaid revocatioun,—with the quhilkis his Hienes of the kinglie power and auctoritie royall dispensis, and suppliis all the saidis faultis, gif ony be, be thir presentis; and that his Hienes revocatioun be
Fol. 59, a. intimat, insinuat, and declarit in his Hienes nixt Parliament, and have full force and effect, presentlie and in all tyme cumming."

Arrangement as to the lands of Comrie.

James, Commendator of Inchechaffray, on the one part, and Johnne Campbell of Laweris, on the other part, appear and submit to his Majesty all right and interest claimed by either of them to the lands of Comrie, possessed by the late Comrie of that Ilk. "Quhilk submissioun and referrance presentlie being acceptit be his Majestie," after "matur advisement" his Majesty "declaris, decernis, and ordanis all infeftmentis, rychtis, titillis maid or grantit to the saidis James, Commendatar of Inchechaffray, Johnne Campbell of Laweris, or ony of thairis, gevin or grantit be thair knawledge or procuirement of the saidis landis and leving of Comrie, with thair pertinentis or ony pairt thairof, of quhatsumevir dait or daittis preceding thir presentis, with all confirmationis past thairupoun and all uther infeftmentis past to ony uther persoun of the samin effect and strenth thairof, in all tyme cumming to be null and of nane availl," ordaining "ane new confirmatioun to pas upoun the infeftment of the saidis landis and leaving grantit be Sibilla Comrie to the said Johnne Comrie of that Ilk,—befoir the passing quhairof his Hienes ordanit the said Johnne Comrie of that Ilk, for the bettir preservatioun of the said leaving with the name of Comreis, to infeft Johnne Comry of Ros and his airis maill in fie in the saidis landis and leaving, to be haldin of his Hienes conforme to the auld infeftment thairof,—and that the said Johnne Comrie of Ros sall

gif ane sufficient reversioun of the saidis landis and leaving to the airis maill lauchfullie to be gottin of the said Johnne Comray of that Ilkis body, for redemptioun of the samin upoun the payment of ane rois noble of gold in commoun forme of reversioun, reservand lifrent thairof to Johnne Comrie of that Ilk during all the dayis of his lyftyme, and als reservand lifrent to Marioun Reidheuch, his spous, of the saidis landis and leaving of Comrie, with the pertinentis, for all the dayis of hir liftyme, conforme to hir infeftmentis thairof, and, in caice of hir deceis reservand lifrent of the saidis landis to the said Johnne Comrie of that Ilkis uther spous quhatsumevir for all the dayis of hir liftyme." His Majesty has also "ordanit the said James, Commendatar of Inchaffray, and his airis, and the said Johnne Campbell of Laweris, and his airis, to mak the saidis landis and leaving frie of thair awin propir fact and deid allenerlie, and dischargis the keparis of the signet, privie and greit seillis, of all passing, affixing or appending of ony of the saidis seillis to ony uther confirmatioun, except the foirsaid confirmatioun to be past to the said Johnne Comray as said is." Moreover, his Majesty "decernis and ordanis the said Johnne Comrie of that Ilk to interdyte himself, lyke as he, comperand personalie befoir his Hienes and Lordis of Secreit Counsale, frelie and voluntarlie interdytis himself, fra all alienatioun and dispositioun of the saidis landis and leaving of Comrie or ony pairt thairof to quhatsumevir persoun in prejudice of the said Johnne Comray of Ros and his airis maill succeiding to him be verteu of the infeftmentis to be past heirupoun, but prejudice of the said reversioun, and that the said Johnne Comrie of that Ilk sall do na deid tending to the dispositioun, setting or selling of the lifrent of the saidis landis by the avise and consent of the said Johnne Comrie of Ros and his airis maill; and that letters of publicatioun be direct heirupoun to be publeist at all places neidfull, in forme as effeiris." Acta 1581-85.

Falkland, 26th July.

Sederunt—Colinus, Comes Ergadie; Andreas, Comes de Rothes; David, Comes de Craufurd; Willielmus, Comes de Gowry; Jacobus, Comes de Glencairne; Jacobus, Dominus de Down; Commendatarius de Dunfermling; Commendatarius de Newbottill; Prior de Blantyir; Clericus Registri; Advocatus.

James Scrymgeour of the Myres admitted to the office of Macer.

James Scrymgeour of the Myris appeared and "desyrit to be ressavit and admittit to the office of maiserie, conforme to the infeftment and actis of Secreit Counsale maid to his predecessouris and him thairupoun be our Soverane Lordis maist noble progenitouris, and specialie conforme to ane charter of confirmatioun past to umquhile Williame Scrymgeour of the Myris, fader to the said James, and his airis, and Act of Counsale passing thairupoun, in the tyme of the regnne of umquhile Marie, Quene Drowreaire, and regent of this realme." He is accordingly admitted to the office, which he swears to exercise "lauchfullie, dewlie, and trewlie:" the appointment now made not to be "hurtfull nor prejudiciall to the gift past to David Brysoun of the office of maserie to the Secreit Counsale."

Acta 1581–85. Fol. 59, b.

"The quhilk day the Kingis Majestie, with avise of the Lordis of Secreit Counsale, hes assignit and assignis the xx day of August nixt to the Commissioneris of the burrowis of Edinburgh, Perth, Dundie, Striviling, Sanctandrois, and Cowper, being personalie present, to report be sum discreit persoun for ilkane of the saidis burrowis the answer and advise of the haill burrowis of this realme to certane overturis deliverit to thame in write concerning the cunyie; as also hes ordanit and ordanis the same persoun appointit to mak the said report to be sufficientlie authorizit with commissioun to answer and gif forder resolution in the said mater as accordis." Commissioners of the Burghs to return answers to certain overtures concerning the coinage.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie; Robertus, Comes de Marche; David, Comes de Craufurd; Jacobus, Comes de Glencairne; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Willielmus, Comes de Gowry; Jacobus, Dominus de Down; Commendatarius de Dunfermling; Commendatarius de Newbottill; Clericus Registri; Prior de Blantyir; Prepositus de Dundie; Clericus Justiciarie. Perth, 27th July.

"Forsamekle as the Kingis Majestie is crediblie informit and assuretlie perswadit of the gude and pleasaunt death in the Lord of umquhile his Hienes dearest cousing, Esme, Duke of Lennox, Erll of Dernlie, Dalkeyth, and Aubigny, in the confessioun of the trew and christiane religioun professit be himself and establischit be the lawis of the realme in the first yeir of his regnne, he alsua avowing himself unto the last hour of his mortall lyfe a maist humble and obedient subject to our Soverane Lord and his authoritie, notwithstanding the calumpnys and untrew narrationis maid and divulgat, alsweill be speitchis as be famous libellis bayth in write and prent, in prois and ryme, to the contrair, verray offensive to his Hienes mynd and earis, and maist prejudiciall to the honnour, gude fame, and reputatioun of his said umquhile dearest cousing in his liftyme: Thairfoir his Majestie, with avise of the Lordis of Secreit Counsale, ordanis letters to be direct to mak publicatioun heirof, that nane pretend ignorance of the same, and to command and charge all and sindrie his Hienes liegis, that nane of thame tak upoun hand to speik, write, declame, and sett out, in buikis, ballettis, pasquillis, or cartellis, in write or prent, in prois or ryme, privatlie or opinlie in ony publict place, ony sclanderous speitchis, reproche or calumpny aganis the honnour, gude fame, and reputatioun of the said umquhile the Duke of Lennox, his professioun of trew religioun, and loyaltie toward our Soverane Lord and his estait. And, gif ony of his Hienes subjectis hes ony of the saidis buikis, ballettis, cartellis, rymes, or famous lybellis in thair handis, that thai present the samin to the Kingis Majestie, or utterly distroy and suppres thame presentlie with all possible diligence eftir the publicatioun heirof probabillie may cum to thair knauledge, and in tyme cuming how sone thai see the same, under the pane of deid: Certifeing all and quhatsumevir personis in quhais handis ony of the saidis buikis, ballettis, King's declaration of the truth and loyalty of the late Duke of Lennox, with prohibition of all speeches or pasquils in his defamation.

cartellis, pasquillis, rymes or famous lybellis, sal happin to be fund, that thai salbe repute, estemit, callit, persewit, as the authouris thairof, and puneist thairfoir with all rigour in exemple of utheris. And this his Hienes declaratioun of the sinceir trewth and stait of the saidis materis, as thai have bein and is indeid, the Kingis Majestie, with avise of the Lordis of Secreit Counsale, hes thocht maist expedient to publische and divulgat, for confirming of the treuth and effect of his Hienes declaratioun maid be him in the paroche kirk of Perth, and eftir notifiit be oppin proclamatioun at the mercat croces of the heid burrowis of the schyris of this realme, for defence and justificatioun of the trewth, honnour, gude fame, and reputatioun of the said umquhile Duke of Lennox, quhilk hes verilie kythit indeid at his lettir end and departing frome this lyfe to Goddis mercie; leving it alwayis to the judgement and censure of all godlie, honnorable, and reasonable personis, upoun quhat sinceir groundis and to quhat gude and honnest effectis the authouris of sic untrewthis and calumpnys hes sa impudentlie and maliciouslie spokin and divulgat the same." Acta 1581-85

Perth, 29th July.

Sederunt—Ut in die predicto.

Arthur Graham against Johnston of that Ilk, Warden of the West March.

Complaint of Arthour Grahame of Blawatwod, as follows:—In or about May last "the cumpany of men of weir under Capitane Andro Lambyis charge, directit for his Hienes service on the Bordouris and West Merche thairof, of the speciall causing, sending and command of Johnne Johnstoun of that Ilk, warden of the said Merche, come to the said Arthouris landis of Blawatwod, and thair, without ony offence maid be him or ony of his, reft and tuke fyftie ky and oxin, in price of the peice ourheid vii ℔., ane naig worth xxx ℔., and lxxx scheip, price of the peice ourheid xxiiii ℈., pertening to him and being in his possessioun, togidder with sex scoir of nolt at i^{c} and l ℔. money, pertening to the puir tennentis and servandis duelland on his saidis landis, and wald nawyis restoir and deliver to thame thair said nolt agane quhill first he cawsit answer and deliver to thame the said hundreth and fifty pundis, and as yit withhaldis fra him his awin nolt, scheip, and naig, and in nawyis will deliver the samin nor the prices thairof foirsaidis." The said company of armed men, the actual takers of the goods, not being responsible, it is represented that "the said Laird of Johnstoun, at quhais command thai wer taikin as said is, aucht and sould be answerable for the same."—The Laird of Johnstoun having been warned to answer, "and he comperand be Andro Johnstoun, his procuratour, and the said Arthour Grahame comperand personalie," the Lords, after hearing parties, ordain letters to issue "chargeing the said Johnne Johnstoun of that Ilk to restoir and deliver to the said Arthour his saidis gudis taikin fra him in maner foirsaid, or the availl and prices of the samin abonewrittin, togidder with the said sowme of i^{c} and l ℔., taikin for the foirsaid nolt in maner abonementionat, he findand sufficient and responsall souirties actit in the warden buikis to be answerable for all attemptatis bigane and to cum, and forder according to the generall Fol. 60, a.

Acta 1581-85. band and directioun gevin to the said Warden tuiching the ressait of personis duelling within the boundis of the said wardanrie to our Soverane Lordis obedience." The surety is to be in £2000, and is to be found within fifteen days after the charge under pain of rebellion.

Sederunt—Ut in die predicto.

Perth, 30th July.

Complaint of Robert Ellot in Dodrig, as follows:—Although the late "Archibald Ellot in Dodrig, his fader, and he hes peceablie bruikit and josit thrie quarteris of the landis of Dodrig, pertening to the chaiplanrie of the paroche kirk of Caveris, as kyndlie tennentis thairof, being kirkland, be the space of xxxvi yeiris bipast and mair, having maid chargis and expenssis in bigging of duelling houssis thairin," yet "Robert Ellot of Reidheuch maist wranguslie, without ony titill of rycht, bot be plaine force, oppressioun, and way of deid, upoun the xxviii, xxix, penult, and last dayis of Maii last bipast, and divers dayis thaireftir, come to the ground of the said complineris kyndlie steiding, and thair cruellie strak and dang his servandis and put thame fra the occupying and laubouring thairof, invaiding thame for thair slauchter, swa that throw verray feir thai wer and ar yit constranit to leif the occupying of the samin, the said Robert having na maner of rycht nor titill to the said complineris said kyndlie steiding, bot tending be way of deid to disposses him thairof."—Charge having been given to the defender to appear and answer under pain of rebellion, and "the said Robert Ellot in Dodrig comperand personalie, and the said Robert Ellot of Reidheuch being oftymes callit and not comperand," the Lords order the latter to be denounced and put to the horn.

Complaint of Robert Elliot in Dodrig against Robert Elliot of Reidheugh.

"The Kingis Majestie understanding of the practizes and bissy travellis of sum of his unnaturall and disorderit subjectis, quhilkis, be misconstrewing and misreporting be word and write of his Hienes awin gude mynd and proceidingis, studyis contineualie to interteny factionis and unquietnes within this realme, the rather to stay the ordinar cours of justice, and to eschew the dew puneisment of thair awin evill deservingis: To obviat and resist the effectis of quhilkis wicked spitches and travellis, and to resolve and satisfie all his loving and gude subjectis that peradventure standis yit doubtfull of the trewth of his Hienes meaning and proceidingis, his Majestie, be advise of the Lordis of his Privie Counsale, hes thocht expedient to notifie and publisch to the world, speciallie to all his awin loving and gude subjectis, the trewth of his verray mynd and lyking tuiching his estait the yeir bygane, and of his present conditioun: Declaring heirby that, sa sone as he fand himself cum to the sevinteinth yeir of his aige, and remembering the troublit estait of his realme throw the frequent troublis and alterationis incurrit in his young aige in tyme bypast, alwayis to his skaith and prejudice, bot speciallie be that quhilk fell out the last yeir, sa far to his Hienes offence and to the misliking of his mynd, albeit, for publict quietnes saik, he moderatlie buir with the fault and all that suc-

Proclamation ordered concerning the Raid of Ruthven and concerning his Majesty's recent resumption of independent authority.

ceidit thairon, he had it alwayis in thocht, sa sone as God sould offer propir tyme and occasioun to tak unto himself his awin place and stait, to schaw him a King indifferent to all his nobilitie and gude subjectis, and not to be led or careit away be ony speciall surnames and races, or be particular men in ony degrie, to the prejudice of that commoun acces quhilkis all subjectis aucht to have to thair Soverane Lord and King; and thairfoir, of his awin propir motive, upoun the xxvi of Junii last tuik purpois to pas frome Falkland to the citie of Sanctandrois, quhair reposing in suirtie to the convening of a gude nowmer of the principallis of his nobilitie, notifiit to thame at thair cuming the effect of his proceidingis and intentioun, permitting and licencing utheris not writtin for to pas hame quhill his Majestie, be advise of sic chosin personis of his Counsale as he electit to tarie with him, suld deliberat further in all thingis neidfull concerning the suirtie of his persoun and conservatioun of the publict quietnes of the cuntrie; quhairintill his Hienes hes occupeit himself cheiflie sensyne, intending with Goddis grace to governe his realme and subjectis heireftir in peax and justice and in the professioun of Goddis trew religioun publictlie preichit and be law establischit in the same, unseiking the hurt or ruyne of quhatsumevir his subjectis, in respect of ony thair lait bigane offenssis, that sall tymouslie acknawledge the same with penitent hartis and crave his Majesteis forgivenes thairfoir; quhilk he is willing to grant unto thame, and be thir presentis promissis sua to do, thay nawyis provoiking him be onie thair new unlauchfull and unquiet doingis to remember on thair former transgressionis, and uncalling to mynd ony factionis that hes bein in his Hienes minoritie; quhilkis his Majestie hes and vil have buriit in oblivioun, as he willis the lyke to be amangis the haill subjectis, everie ane to uther, without ony querrell or questioun for ony thing that hes hapynnit or fallin out amangis thame in tyme cumming, and without casting up or querrelling of utheris for this or that factioun; as his Majestie hes gevin gude pruif of his clemency and favour to sum already: And that letters be direct for publicatioun heirof at the mercat croces of the heid burrowis of this realme and utheris places neidfull, that nane pretend ignorance of the same, commanding and chargeing all and sindrie his Hienes liegis to contene thameselffis in quietnes under Goddis feir and his Majesteis lauchfull obedience, and that nane of thame tak upoun hand to move or provoke trouble, unquietnes, or seditioun amangis his subjectis be word or deid, or to schaw thame the authouris and instrumentis of alterationis and novelteis, tending to the disturbing of his estait, as thai will answer upoun thair alledgeance at thair hichest charge and perrell, and under pane of incurring his Hienes indignatioun and displeasour gif thai sall attempt ony thing in the contrair."[1]

Acta 1581–85

Fol. 60, b.

[1] A copy of this proclamation, as "given under our signet, at our burgh of Perth, the penult of Julie, and of our reign the 17th yeere, 1583, *Per actum Secreti Consilii*," is given in Calderwood (iii. 719–721). The wording and the grammar in that copy are slightly modernised, and the King is made to speak throughout in the first person—"We," "our," &c.—as would be natural on the conversion of the order for the proclamation into the proclamation itself.

ta 1581–85.

Sederunt—Ut in die predicto.

Perth, 31st July.

New proclamation ordered of the Acts of Parliament against unlicensed printing of books, ballads, songs, &c.

"Forsamekle as it is understand to the Kingis Majestie and Lordis of his Hienes Privie Counsale that, albeit it be expreslie statute and ordanit be Actis of Parliament that na prentar sall presume or tak upoun hand to prent ony buikis, ballettis, sangis, rymes, or tragedeis, ather in Latine or Inglis toung, unto the tyme the same be sene, vewit, and examinat be wise and discreit personis depute thairto, and thaireftir licence had and obtenit thairto of our Soverane Lord, under the pane of confiscatioun of all the prentaris gudis and banissing him out of the realme [Acts of Parl. 1551, c. 26, ii. 489, and Reg. Priv. Coun., vol. ii. 387]; quhilkis Actis hes bein expreslie violat and contravenit in tyme bigane, throu the impunitie of sic as wilfullie and presumptuuslie transgressit the same: Thairfoir, and for eschewing of the like contempt and disorder in tyme cuming, ordanis letters to be direct to mak publicatioun of the effect of the saidis Actis of Parliament be oppin proclamatioun at the mercat croces of this realme, commanding and chargeing all and sindrie prentaris within this realme, that nane of thame tak upoun hand to prent ony buikis, ballettis, sangis, rymes, or tragedeis, in ony language, in tyme cumming, quhill the same be sene, vewit and examinat be wyse and discreit personis to be depute be his Hienes thairto, and thaireftir licence had and obtenit of his Majestie, under the said pane of confiscatioun of all the prentaris gudis and banissing out of the realme for evir. And, in cais ony prentaris sal happin to do in the contrair heireftir, ordanis the provest, baillies, and utheris judges ordinar of the toun or place quhair thai duell or makis residence, to apprehend alsweill the personis of the prentaris as of thair ayderis, pertineris, sellaris, and outputtaris of thair saidis buikis, ballettis, and rymes, and to put and hald thame in strait presoun and captivitie, ay and quhill the said pane and dome be execuit upoun thame in exemple of utheris."

Perth, 1st August.

Order for all the fencibles within the sheriffdom of Fife to be in readiness to assemble armed round the King.

"Forsamekle as the Kingis Majestie, our Soverane Lord, intendis, God willing, to mak a gude part of his residence, during this harvest seasoun now approcheing, within the boundis of the sherefdome of Fiff, and, in respect of the unquiet practizes and bissy travellis of sum of his unnaturall and disorderit subjectis, intertenyand factionis and sterand up seditioun, maist unpleasaunt and contrarious unto his Hienes awin dispositioun, necessar it is that his Hienes be weill accumpanyt with a convenient nowmer of his loving and gude subjectis, and likwyse that the inhabitantis of the said sherefdome be dewlie certifiit to mak thameselffis in redynes to repair unto his Hienes as he sal have occasioun to employ thame in service for resisting of sic inordinat attemptatis as ony may happin presume to mak, and repressing of the authouris, to the suirtie of his Majesteis estait and universale quietnes of the cuntre: Thairfoir ordanis letters to be direct to officiaris of armes, shereffis in that part, chargeing thame to pas to the mercat croce of Couper, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge all and

sindrie his Hienes lieges within the boundis of the said sherefdome of Fiff, alsweill duelland to burgh as to land, within regalitie as ryaltie, within lx and xvi yeris, and utheris fensible personis, that thay and ilkane of thame, weill bodin in feir of weare in thair maist substantious maner, with dayes provisioun and furnessing, addres thameselffis, on horse and fute, as to every ane of thame appertenis, to cum unto his Hienes quhair he sall happin to be for the tyme within the boundis of the said sherefdome upoun sex houris warning, thair to attend and pas fordward, as thai salbe commandit and direct, for furthsetting of his Hienes service and authoritie, under the pane of tinsale of lyff, landis, and guidis." Acta 1581–8

George Douglas of Parkhead absolved from farther answer to a suit of Michael Carlyle.

George Douglas of Parkheid produces a copy of letters raised against him by Michael Carlile of Tarthorwald, charging Douglas to deliver to him the castle of Torthorwald under pain of rebellion, or else to show cause to the contrary before the Lords of Council on the 31st July last. The case having been called on the 31st of July [yesterday] and also this day, but Carlile not having appeared, Douglas protests that he be not held to answer farther in the matter: "quhilk protestatioun the saidis Lordis admittit." Fol. 61, a.

Question concerning certain lands in which the new Duke of Lennox is interested.

Johnne Wardlaw, son of Henre Wardlaw, writer, having appeared according to a charge given him, "it wes inquirit of him gif he, as prebendare of , had subscrivit and past a precept upoun the retour and service of Johnne Mure of Rowallane, air to the landis of Inzerstoun, liand within the regalitie of Dalkeyth, quhairof William Stewart of Caverstoun, as tennent imput be umquhile Esme, Duke of Lennox, was possessour." The said Wardlaw having "declarit that he hes subscrivit the said precept, being chargeit thairto be preceptis of the chancellarie quhilk he hes yit in his handes ungevin out," the Lords, "in respect of the entres of Ludovic, now Duke of Lennox, in the said mater, and that ressoun and equitie cravis that he and the said William, his tennent, be hard for thair entres befoir onie forder be proceidit thairin," ordain letters to issue "chairgeing the said Johnne Wardlaw to retene the said precept in his handes ungevin out, and the directour of the chancellarie and his deputtis on na wys to pas onie preceptis upoun the said service, notwithstanding onie command or charge purchest or to be purchest and direct be the Lordis of Sessioun in the contrair, ay and quhill the Kingis Majestie, with avise of the saidis Lordis of Secreit Counsale, tak ordour in the said mater,"—obedience to be under pain of rebellion. Letters are also to issue charging the said John Mure of Rowallen, on the one part, and the said Ludovic, Duke of Lennox, "on thre scoir dayes warning, becaus he is furth of this realme," and the said William Stewart, his tenant, on the other part, and "the four ordinar measeris and thair clerk of court, on the thrid part," all on pain of rebellion, to appear before the Council on the 20th of October next, "bringand with thame the haill proces laid in the said matter, to be sene and considerit," that order may be taken according to equity.[1]

[1] The late Duke of Lennox, whose wife was of a French family, had left in France two sons, Ludovic and Esme, and two daughters, Henrietta and Mary. When dying, he had

ta 1581-85. Caution in 1000 merks by Robert Douglas, provost of Linclowden, for James Douglas of Drumlanerik, that he shall not intercommune with Alexander Carlile, called Reid Alexander, Carlile, his son, Johnne Carlile, his brother, Jaffray Irwing of the Turneschaw, and Johnne Irwing, his son, rebels. Caution for the Provost of Lincluden.

Registration of band of caution by Johnne, Earl of Mar, and James Campbell of Ardkinglas, in £2000, for James Scrymgeour, constable of Dundie, and in £200 each for Johnne Mekilpen, Robert Forestar, James Campbell, Christell Martene, James Bell, James Quhitheid, Walter Drummond, and Andro Urquhard, household men and servants of the said constable, that George Creichtoun of Camnay, his men, tenants and servants, shall be harmless of the said constable and his said servants, in thair persons, lands, Fol. 61. b. and goods. The band is subscribed at Striviling, the 27th day of July 1583, before these witnesses—Patrik Hume, Thomas Hume, and Johnne Campbell. Perth, 2nd August. Band of Caution for the Constable of Dundee and his servants.

Registration of band of caution in £500 by Petir Cocheran of Petfoure, as principal, and Petir Hay of Meginch, as surety for him, that Mr David Balwaird, minister at Sanct Madoice, his bairns, tenants, and servants, shall be harmless, in their persons, lands, and goods, of the said Petir Cocheran. The band is subscribed at Meginche, the 3rd August 1583, before Edmound Cuke in Kirktoun Erroll, George Wattirspoun, Johnne Dufferris in Dungrene, Robert Diksone in Meginch, and David Rollok, notary. Edinburgh, 6th August. Band of Caution for Peter Cochrane.

Sederunt—Ut in die predicto. St Andrews, 20th August.

Complaint of Coline Campbell of Glenloyoun, as follows:—"Alexander M^{c}Creland, Johnne Dow M^{c}Creland, Alexander M^{c}Aine Dow W^{c}Kreneld, Neill M^{c}Coneill W^{c}Coneill, Alexander M^{c}Amemiss, Angus M^{c}An Dow, Donald M^{c}Inuss, Alexander M^{c}Alexander M^{c}Gorrie, Johnne Dow M^{c}Coneill M^{c}Crenild, Alexander M^{c}Cain M^{c}Ain, Donald M^{c}Gerrie, William M^{c}Coneill W^{c}Gorme, Ewin M^{c}Ain W^{c}Coneill, Johnne Dow M^{c}Neill V^{c}Harther, Fercher Dow M^{c}Coneill W^{c}Alster [?], Donald M^{c}Arther, Johnne Dow M^{c}Coneill M^{c}Neill, Rorie M^{c}Coneill W^{c}Neill, Lachlen M^{c}Terlich W^{c}Lachlin . nocheroy [?], Johnne M^{c}Inlay Roy, Johnne Dow M^{c}Inoss, with thair complices, to the number of threscoir personis or thairby, with bow, darloch, and utheris wappynnis invasive, come upoun the xxiiii day of Junii last bipast be the brek of day, and maisterfullie reft, spuilyeit, and awaytuik fra the said compliner, and Duncan Reoch, Johnne Glas M^{c}Evin M^{c}Donald Dowy, and Donald M^{c}Conald Dreoch, his servandis, furth of thair landis of Glenloyoun Colin Campbell of Glenlyon, against Alexander M^{c}Creland and others.

recommended these children most earnestly to King James, being anxious that they should inherit his Scottish property and connections. There were already negotiations for bringing the eldest son into Scotland, to assume his place at the Scottish Court as Ludovic Stewart, second Duke of Lennox. He was at this time but thirteen years of age.

and Glencalyie, four scoir head of ky, xi hors and meris, togidder with the haill insicht and plenissing of thair houssis; as alsua thai, not satiat with the said oppin oppressioun committit be thame as said is, struik and dang the wemen of the saidis landis, and cuttit the hair of thair heid."—Charge having been given to the persons complained of to appear and answer under pain of rebellion, and they not appearing, while the complainer appears by James Campbell of Ardkinglas, his procurator, the Lords order all the culprits to be denounced rebels. Acta 1581–8

St Andrews, 23rd August.

Sederunt—Colinus, Comes de Ergile; Jacobus, Comes de Arrane;[1] Andreas, Comes de Rothes; Joannes, Comes de Montrois; David, Comes de Craufurd; Gulielmus, Comes de Gowry; Dominus Down; Clericus Registri; Computorum Rotulator; Advocatus; Robertus, Commendatarius de Dunfermling; Marcus, Commendatarius de Newbottle; Custos Secreti Sigilli.

Johnston of that Ilk against the Provost and Bailies of Dumfries.

Complaint by Johnne Johnnestoun of that Ilk, warden of the West March, "that Archibald M°Brair, provest, and Johnne Merschell, Robert M°Kynneill, and Mathew Diksoun, baillies, of Drumfreis, upoun the day of Julii instant, tuke and apprehendit Gawen Hogsoun, Englisman, and perforce led him captive to the plege chalmer, quhair thai detenit him prissoner, and on nawayes wald lett him to libertie and fredome quhill the said Warden gaif his obligatioun that the said Gawen sould be answerable to thame quhen thay requirit, contrair all reasoun and the ordour of the Bordouris, the said Gawen having reparit within this realme to do his lesum besines, upoun the said Wardanis saulfconduct grantit to him in his Hienes name, as the custume is." The said provost and bailies having been Fol. 62, a.

[1] The reappearance of Arran in the Council at this point, after his twelve months of eclipse and seclusion since the Raid of Ruthven, ought to be noted. Though the counter-revolution at St Andrews had occurred on the 24th of June 1583, it was not till the 5th of August that he presented himself to the King, to take the advantage of it. "Upon Moonday, the fyft of August," says Calderwood (iii. 722), "Arran went over at the Queen's Ferrie from Kinneill, accompanied with fortie or fiftie horse. He came to Falkland that night to the King, and was weill accepted, and within few dayes beganne to looke braid." From this point, in fact, begins Arran's second lease of power; no longer in conjunction with such an overshadowing magnate of the royal blood as Lennox, but in a kind of premiership, with the Earls of Huntly, Argyle, Crawfurd, Montrose, and Rothes, as his most important colleagues. From this point, accordingly, it may be observed that the chief men in the sederunts of the Council are different from those who had been the chiefs during the year of the administration of the Ruthven Raiders, and also generally, in the minutes of the Council's proceedings, that those persons and interests which had been up in the Scottish world during that year were now again down. Already, before Arran's personal appearance among those who had first managed the counter-revolution of St Andrews, action had been taken against some of the principals of the Raid of Ruthven,—*e.g.*, the Earl of Mar, the Master of Glammis, the Abbot of Dunfermline (Secretary), Cunningham of Drumwhassel, Douglas of Lochleven, the Laird of Cleish, Mr John Colville, &c. Some of them were in ward in different parts of the country, or otherwise under a cloud, waiting farther censure. The most obvious anomaly of the situation was the continuance for a time of Gowrie, the very chief of the Ruthven Raid, in the new Government. He had procured some kind of remission for that offence, but his position was precarious.

Acta 1581–85. charged to appear and answer under pain of rebellion, and also "the personis underwrittin, thair complices and particularis [? partakers], quhais names wes gevin in bill,—thay ar to say Maister Homer Maxwell, commissar of Drumfreis, Williame Gledstanis, George Moffett, Harbert Ranyng, eldar, Johnne Patersoun, James Welsche, Johnne Thomesoun, and Mungo Hammiltoun,"—and "the said Johnne Johnnestoun comperand be Andro Johnnestoun, his servand and procuratour, and the saidis Archibald M^cBrair, Johnne Merschell, and Harbert Rayning, comperand personalie, for thameselffis and as procuratouris for the utheris personis thair complices abonewrittin," the Lords, after hearing parties, declare that the band given by the warden to the provost and bailies, which he desired to be annulled, "sould not be annullit and dischargeit, bot to stand and be effectuall to the saidis provest and baillies, to quhome the samin is gevin, conforme to the tennour thairof, becaus the said Gawen Hogsone wes taikin, apprehendit and wardit be thame as ane of the intromettouris with certane guidis and geir within this realme quhilkis wer pilleit fra divers Franchemen, freindis and confiderattis of the same, be vertew and at command of our Soverane Lordis letters execuit upoun the saidis provest and baillies to the same effect."

Thirteen persons of the name of Moffat to be denounced rebels.

Complaint by Gilbert Hay of Monktoun, that "William Moffett of Arikstane, Robert Moffett, his sone, thair, James Moffett of Mekilumside, James Moffett of Mekleholme, James Moffett of Garigholme, Johnne Moffett, his sone, Williame Moffet thair, James Moffett in the toun of Moffett, Thomas Moffett, *alias* Thomas Lyne, Gilbert Moffet, his broder, James Moffet, callit Scald Jame, and David Moffet, alsua brether to the said Thomas, and Robert Moffett in the Altoun, with thair complices, upoun the first day of Aprile last bypast, come to the toun and landis of Nether Mynyeane, pertening to the said Gilbert in heretage, and not onlie chaissit the haill nolt and scheip being thairupoun, pertening to him, of the ground, and drownit the maist part of thame in the Watter of Tweid, bot als maisterfullie reft, spuilyeit, and tuik away the haill insicht, guidis, and geir being within the houssis biggit upoun the samin landis, and thairthrow hes alluterlie depauperat the puir tennentis thairof; like as the saidis William Moffett of Arikstane, and Thomas Moffett, *alias* Thome of Lyne, hes sensyne, and speciallie upoun the xxviii day of Maii last bypast and xix day of Junii instant, violentlie and perforce ejectit and putt out the saidis Gilbertis tennentis of Cammilhoip, being a part of the saidis landis pertening likuise to him in heretage, and sittin doun thairupoun, thinkin with the assistance of the brokin men in the cuntre violentlie to bruik the samin and to debar the said Gilbert and his tennentis fra the occupatioun and labouring thairof heirefter, aganis law, ressoun and gude ordour."—The usual charge having been given, and "the said Gilbert Hay comperand be James Maxwell, his procuratour, and the foirsaid personis complenit upoun being oftymes callit and not compeirand," the order is to denounce them rebels.

Forfeiture of the caution for Mr John Colville.

Notwithstanding the caution in £1000 by Gilbert Dike, merchant, and Gilbert Prymrois, chirurgeon, burgesses of Edinburgh, for Mr Johnne Colvile, chantor of Glasgow, that he would keep ward in the burgh of Edinburgh till freed [*ante*, p. 579], the said Colvile has departed furth of the said burgh without licence. The act of caution is therefore contravened, and the cautioners are declared liable in the foresaid penalty, payment of which is to be made to the Treasurer within ten days after charge, under pain of rebellion. Acta 1581- Fol. 62, b.

Falkland, 27th August.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; Johannes, Comes de Montrois; Jacobus, Dominus de Downe; Clericus Registri; Computorum Rotulator; Custos Secreti Sigilli.

New complaint by Lady Lamington against Jardine of Applegirth and his accomplices, already at the horn as rebels.

New complaint of Jeane Hammiltoun, Lady Lamyngtoun, against Alexander Jarden of Apilgirth, as follows :—"Not being content nor satisfiit in his mynd with the mony grevous enormiteis, heirschippis, and birningis, committit upoun the said complinar, notour to the Kingis Majestie and Lordes of Secrete Counsale [*ante*, p. 566], bot continewand in his malicious crueltie aganis hir," Jardine, "upoun the day of Julii last bypast, sen his breking of ward furth of the castell of Edinburgh, come to hir place of Litilgill, accumpanyt with Symon Moffatt in Hilbykis, Robert Jarden in Birkburnefurde, Charlis Jarden, broder to the Laird of Apilgirth, and Umphra Jarden, persoun of Apilgirth, and utheris his houshald men and servandis quhilkis wer with him at the birning of his said place of befoir, and cruellie and maist schamefullie struke and dang ane puir woman, callit , hir servand, being cum furth of the same, brak hir left arme and gave hir mony bla and bludy strekis in divers pairtes of hir body; off the quhilkis sche hes lyin bedfast continewallie sensyne and nevir is able to convales: proudly heirby disdaning and contemning his Hienes authoritie and lawes. Quhilkis Alexander Jarden of Apilgirth, and his complices foirsaidis, being for the maist pairt fugitives fra his Majesteis lawes, rebellis and at his Hienes horne for the lait tressonable birning of the said compliners place of Litilgill and uthers odious crymes, ar notwithstanding daylie and at all tymes ressett be Bessy Fischear in hir duelling houss in the Wodend callit Daveschaw, and intertenyt and suppliit be hir in meit, drink, houssis, and harbry, in thair cuming and ganging toward the said place of Litilgill, ane myle distant fra the said Wodend."—Bessy Fischear having been charged to answer under pain of rebellion, and the complainer appearing by her son, Mathow Baillie, but Bessy failing to appear, the decree is that she be denounced rebel.

Janet Crow against Andrew Stirk and others.

Complaint of Jonet Crow, "oy till umquhile Andro Stirk, portioner of Auchtermuchtie," as follows :—"Hir said umquhile guidsire, being eldest sone and air to umquhile Robert Stirk of the haill halflandis of Gervestand of Auchtermuchtie, wes defraudit of his birthrycht, being his faders eldest sone; to quhom the compliner aucht to succeid as maist native and Fol. 63, a

Acta 1581–85. kyndlie tennent thairto, albeit that Richart Stirk, the secund brothers oy, now possessour of the saidis half landis, the compliner being young and haiffand na knawlege nor yit freindis, bot ane puir damesell, wes rentalit thairin, and theirby hes evir sensyne borne the said compliner fra hir pairt of the saidis landis, quhometo the samin justlie appertenis as richteous air thairto, begottin linealie of the first borne brother to hir umquhile grandsire. And trew it is that, in sum part of recompensatioun of hir said richt, the said Richart, now possessour of the saidis landis, patt hir in ane cott hous with ane yaird thairof, to have bene bruikit and joysit be hir during hir liftyme; and, being in possessioun thairof be sawing of caill and lynt thairon be the space of certane monethis, the said Richard and Jonet Rankene, his spous, and Effie Stirk, thair servand, maist wranguslie and maisterfullie, be force and way of deid, not onlie ejectit the said compliner fra hir said house and yaird, and sa spuilyeit hir of hir possessioun thairof, by all order of law and justice, bot alsua reft, intromettit with, and awaytuke hir haill guidis and geir, woe, hennis, clathis and utheris, quhairof sche can gett na restitutioun, and alswa dang the said compliner with divers bauch straikes, to the effusioun of hir blude in greit quantitie." —The persons complained of having been charged to appear, "and the said Jonett Crow compeirand personalie, with Johnne Ramsay, hir spous, for his entres, and the said Richart Stirk compeirand alsua personalie, for himself and in name of the said Jonett Rankene, his spous, and Effie Stirk, thair servand," the Lords, after hearing parties, "remittis the said mater to the Stewart of Fiff and his deputtis," ordering them to investigate and report to the Council.

"The forme of the ayth of the Kingis Majesteis domesticque servandis, ressavit at Falkland the xxvii of August 1583. "Forme of the ayth gevin be the Kingis domesticques."

"Ye sall trewlie and diligentlie serve the Kingis Majestie in his Hienes service and office quhairunto ye ar callit and admittit be his Majestie, sa fer as lyis in your possibilitie, to his Hienes gude liking and contentment; and that ye sall nevir knaw his Majesteis hurt or skaith, in honour, body, or guidis, bot sall reveill and resist to your uttermaist, and sall nawys have or keip intelligence with onie of his Majesteis declarit tratouris or rebellis knawin be you to stand in his Hienes evill grace or misliking, and, finalie, that ye sall forbeare all dealing tending to his Hienes offence and unsuirtie, and salbe obedient to his Majesteis maister of houshald in his Hienes service: Sa help you God, and as ye will answer to his Hienes upoun your fayth and allegeance."

Falkland, 28th August.

Andro, Earl of Erroll, having been divers times denounced rebel and put to the horn, "specialie be vertew of letters past upoun decreittis of the Lordis of Sessioun obtenit be Gilbert Reid of Colleistoun," had, nevertheless, "upoun earnist and humble sute maid to his Hienes on the said Erllis behalff," obtained a dispensation "to repair to his Hienes presence, Expiry of the dispensation to the Earl of Errol: none to intercommune with him.

for certane affaires concerning the weilfair of his hous and bairnis." The said Earl, however, having "done na thing bot frustrat his Hienes expectatioun and dissapointit the caus for the quhilk the said dispensatioun wes grantit," his Majesty now, "nawys willing that ony dispensatioun grantit be him salbe a hinderance to justice," ordains letters to issue "to mak publicatioun of the expiring and outrynning of the said dispensatioun, to the effect that nane of his Hienes subjectis, upoun pretense thairof, tak upoun hand to ressett, supplie, or intercommoun with the said Erll," at their uttermost charge and peril. Acta 1581-

Falkland, 29th August.

Four persons admitted to be of the Privy Council.

The King having nominated and elected William Stewart, Commendator of Pettynweme, Master Johnne Maitland of Thrilstane, Sir Robert Mailville of Murdocairny, knight, and William Cunynghame of Caprintoun, to be of the Privy Council, these four, being personally present this day, "gaif thair aythis," in usual form [see the form *ante*, p. 458].[1]

Discharge of all cautions made for Arran's brothers, William and Robert Stewart.

Discharge of "all and quhatsumevir actis and bandis be the quhilk Cunynghame of Caprintoun or ony uthers wer bound and obleist that William and Robert Stewartis, sonnis to Andro, Lord Stewart of Uchiltre, sould remane and keip ward within the boundis of the sherefdome of Air, or within ony uther boundis or partis, or utherwayes quhatsumevir" [*ante*, p. 521]. The clerk of Council is to delete all such acts of caution for the two Stewarts out of the books of Council, and any persons "in quhais handis the principall bandis remanis" are to deliver the same to the said William Cunynghame of Caprington "to be cancellat and distroyit be him for evir."[2] Fol. 63, b.

[1] The new Councillors were all of the Lennox and Arran party, as opposed to that of the Ruthven Raiders. William Stewart, now promoted to the Priory of Pittenweem, was the Colonel William Stewart, Captain of the King's guard, who had been the immediate agent of the late counter-revolution at St Andrews (*ante*, p. 574, footnote). He figures generally in future sederunts as "Pittenweme." Sir Robert Melville of Murdocairney had already been of the Council, and was now only recalled to it (*ante*, p. 480, footnote). Cunningham of Caprington, as we have already seen, was a kinsman of Arran and the Ochiltree family (*ante*, p. 521, footnote), and was now brought in on that account. The fourth accession, Mr John Maitland of Thirlstane, was very important. He was the younger brother of the famous William Maitland of Lethington, Secretary to Queen Mary; had been eminent as a lawyer; had been, like his brother, a man of political distinction in Queen Mary's time and in the infancy of James, first as Commendator of Coldingham, then as Privy Councillor, and Lord Privy Seal; had been deprived of these offices in 1570 for joining with his brother Lethington in the movement for Queen Mary; had been one of the captives taken with Kirkcaldy of Grange and Lethington on the surrender of Edinburgh Castle to Regent Morton in 1573,—his present colleague, Melville of Murdocairney being another; and had lived on through Morton's regency under disqualification. Restored to favour during the Lennox rule, he had been raised to the Bench in April 1581, as one of the Senators of the College of Justice; and his reintroduction into the Privy Council at our present date was to lead to yet higher promotions.

[2] The William Stewart of this entry, son of Lord Ochiltree and brother of Arran, is to be distinguished from the Colonel William Stewart whose admission to the Privy Council is recorded in last entry. Yet the last entry bears on this. Arran being again in power, and his kinsman Cunningham of Caprington having just been admitted of the Council together with Colonel William Stewart, all disabilities of the two Ochiltree Stewarts, William and Robert, Arran's brothers, are naturally removed.

Acta 1581–85.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Jacobus, Dominus de Downe; Clericus Registri; Pettinweme; Custos Secreti Sigilli; Computorum Rotulator. Falkland, 1st September.

The King and Council, "for certane caussis and considerationis moving thame," command Mr Thomas Lyoun of Balduky, Master of Glammis, by open proclamation at the market crosses of Forfar and Hadingtoun, to enter himself in ward within the Castle of Dumbartane within three days after being charged, under pain of rebellion. The Master of Glammis charged to enter into ward in Dumbarton Castle.

Charge to the Master of Glammis, and other keepers of the houses and fortalices of Glammis, Baky, Auldbar, and Dod, to deliver the same to the King's officer, and to remove themselves furth thereof, within forty-eight hours after being required, under pain of treason. Charge to the Master of Glammis to deliver certain houses.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Jacobus, Comes de Glencairne; Jacobus, Dominus de Downe; Clericus Registri; Pettinweme; Computorum Rotulator; Murdocairny. Perth, 10th September.

Protest by Alexander Stewart, son of Alexander Stewart of Scottistounhill, that nothing which may be done in the action of Andro Snell, burgess of Perth, against George M^c^Gregour, *alias* Johnnstoun, "tueching the confirmatioun cravit of the landis callit Sanct Leonardis landis, haldin of the Priour of Charterhous," shall prejudge the rights over the said lands granted by the Prior for the time to the said Alexander. Protest by Alexander Stewart.

Sederunt—Ut in die predicto. Perth, 13th September.

Caution in £1000 by William Ker, younger, of Ancrum, for the entry of Johnne Hume, son of Johnne Hume of Crimstane, before Williame Ker of Cesfurd, warden of the Middle March, by 20th September inst., "for his releif of a bill of Edward Grayis, Englishman." Caution for John Hume.

"The quhilk day, in presens of the Kingis Majestie and Lordes of Secreit Counsale, Johnne, Erll of Mortoun, Lord Maxwell, protestit that the revocatioun maid presentlie be his Hienes of the gift of the eschaet of the liverent males and deweteis of the fourscoir merk land of Tarthorwald, and of all and sindrie utheris landis quhilkis pertenit to Michaele Carlile, callit of Fol. 64, a. Tarthorwald, in heretage, rentall, lifrent, tak, or utherwayes, disponit of befoir to George Dowglas of Parkheid, and now be the said revocatioun is fallin and becum in his Majesteis handes and of new disponit to Johnne Johnnestoun of that Ilk and his spous, thair airis and assignays, sould on nawayes Protest by the Earl of Morton, regarding a new gift to Johnston of that Ilk.

prejuge nor hinder the said Michaell Carlile and his servandis in his name in the uptaking of the same mailles and deweteis to his awin use in tyme cuming, nor yit that the saidis giftis past bayth befoir and efter the said revocatioun sould ony wayes be effectuall to the foirsaidis personis, or onie utheris contenit thairin, at onie tyme heirefter, becaus the said Michaell, as the said Erll allegeit, wes not at the horne for the caussis contenit in the saidis giftis, at the leist hes not remanit thairat during the space of yeir and day efter his denunciatioun unrelaxt." Acta 1581–8

Order to the Sheriff of Dumbarton to inventory and arrest the goods on the lands of Cardross, now held by Cunningham of Drumquhassell.

As Johnne Cunynghame of Drumquhassill, formerly captain of Dumbartane Castle, "hes continewallie, sen his removing furth of the said castell and releif of the charge and keping thairof, intromettit with the landis and manis of Cardros, properlie appertening to the custody of the said Castell, laubourit the same with his awin guidis, or sett thame to tennentis as he thocht gude, quhairthrow William Stewart of Caverstoun, present capitane and kepare of the said Castell, like as he hes bene continewalie sen the removing of the said Johnne thairfra, hes continewalie wantit the saidis landis and proffeittis thairof, craving of his Majestie recompens and satisfactioun for the same," the King and Council, "nawys thinking it ressonabill that his Majestie sould mak recompens for that quhairof the said Johnne hes had the commoditie," and also "in respect that the said Johnne is presentlie in his Hienes ward as suspect of certane tressonable crymes," ordain the Sheriff of Dumbartane and his deputes and officers "to pas and tak triell and inquisitioun quhat steilbow guidis or uther guidis the said Johnne Cunynghame hes presentlie upoun the ground of the saidis landis and manis, and to arreist the same, to remane under arreistment at his Hienes instance, undisponit upoun or putt away in onie wayes," till the said Johnne "be tryit foull or clene of the saidis crymes," and till his Majesty and the Council have arranged for "satisfactioun of the said William" for the profits so long withheld from him.

Revocation of the gift to George Douglas of Parkhead of the lands of Tarthorwald, &c.

His Majesty this day calls to remembrance how, for the good and faithful service done him by "his weilbelovit" Johnne Johnnestoun of that Ilk, warden of the West March, and for his farther encouragement to such service, "his Majestie, at his earnist sute and desire in the moneth of last bypast, past and subscrivit to James, commendatair of Halywod, sone to the said Johnne, his airis and assignais, ane or ma, ane signatoure of the gift of the escheit of the liverent males, fermes, proffettes and deweteis of the fourscoir mark land of Tarthorwald, with the pertinentis, and of all and sindrie uther landis, quhairevir the samyn lyis within this realme, quhilkis pertenit to Michael Carlile, callit of Tarthorwald,"—which lands had come unto his Majesty's hands by the fact that Michael had been "ordourlie denunceit his Hienes rebell and put to the horne upoun the xvi day of Junii, the yeir of God j^{m}v^{c}lxxviii yeiris, for not randering of the place and fortalice of Tarthorwald to George Dowglas of Parkheid or his servandis" and for "remaning at the said proces of horne

Acta 1581–85. attour the space of yeir and day thairefter unrelaxt." His Majesty, however, also remembers that, before the passing of this gift to the said Commendator of Halywod through the Treasurer's register and Privy Seal, he had been "moved be sic personis with quhome he wes accumpaneit for the tyme, aganis his Hienes will, to pas and subscrive ane uther gift of the landes foirsaidis, males and deweteis of the samyn, to the said George Dowglas of Parkheid, to the annulling and dirogatioun of the foirmar gift past to the said Commendatair, and disappointing thairby of his Majesteis awin gude will and intentioun in that behalf." Though he had been moved to this "be ressoun of the tyme and uther circumstances quhilk his Hienes will forbeare to declair presentlie," yet, "being alwayes myndit to remeid the samyn as occasioun thairto sould be offerit," he now, "following the commoun benefite of the law grantit to minoris, and speciallie in this cais, tueching his Hienes in honour and conscience," revokes simpliciter the foresaid gift passed to the said George Douglas [see last entry but one].

Fol. 64, b. *Sederunt*—Ut in die predicto. Perth, 14th September.

Complaint of Alexander Lauder, for himself and for his mother, against his father, Sir William Lauder of Halton.

Complaint of Alexander Lawder, younger, of Haltoun, and Jeane Cokburne, his mother, as follows:—It is not unknown to the King and Council "how that William Lawder of Haltoun, knycht, his fader, hes, maist unnaturally and without onie deserving on his part, done that in him lyis to defraud and dishereis his said sone of that leving quhilk he, of the law of God and man, sould succeid unto; as alsua how that laitlie, the said Alexander, being directit furth of Falkland for doing of certane his Hienes besines and effaires in Edinburgh, wes umbesett be the said William, his fader, his servandis and complices, besyde Inuerkething, and chasit and cruellie persewit of his lyfe; quhilk outrage and cruell and unnaturall persute the said Alexander pacientlie sustenit, hoiping that his said fader sould have bene moved with tyme to the acknawlegeing of his dewetie." But, "far by his expectatioun, his said fader, accumpaneit with Gilbert Lawder of Quhitslaid, Williame, James, and Thomas Lawderis, his sones, with divers uthers thair complices, with convocatioun of his Majesteis lieges, to the nowmer of thretty personis or thairby, bodin in feir of weir, with jakis, steilbonettis, speris, lance, staffis, hagbuttis and pistolettis, prohibit to be worne be Actis of Parliament and Secreit Counsale, and utheris wappynnis invasive, come upoun the xvii day of August last bypast to the place of Crynniltie in Tweiddell, pertening to his said moder in conjunct fee, quhairin she and he war present for the tyme; and, mynding to have blawin up the said place with poulder, quhilk thai had preparit thairfoir, they, efter lang assegeing thairof and schuting of hagbuttis and pistolettis at all partes of the samyn, and efter that the said Alexander had eschaipit be the cuming of the cuntre folkes to his releif, they maist schamfully put violent handes in the said Jeane Cokburne, kaist hir on horsbak, and, efter mony bla, bauch, and bludy strekis gevin, they at last perforce cariit and transportit hir away to the place of Haltoun; quhair

thai detene her as yit captive: usurpand thairthrow his Majesteis authoritie upoun thame, in hie and proud contemptioun of his Hienes authoritie and lawes."—Sir William Lawder of Haltoun, Gilbert Lawder of Quhitslaid, and William, James, and Thomas Lawder, his sons, having been charged to appear and answer to the said complaint, and hear and see order "taikin anent the samyn as apertenit," under pain of rebellion, the first two, appearing for themselves and for the others, "presentit and exhibitit the said Jehane Cokburne; and she, being sworne, declarit that she wes violentlie takin furth of the said place of Crynniltie and perforce transportit to the said place of Haltoun, quhairin she wes detenit aganis hir will in maner and at the tyme abone mentionat." This declaration, with other reasons and allegations on both sides, having been considered, the Lords "decernis, declaris, and ordanis the said Jeane Cokburne to be fre and at liberty furth and fra the cumpany and societie of the said Williame Lawder, hir spous, unto the first day of Januar nix to cum, to the effect that in the meantyme aither of thame may persew for adherence or divorcement, as just caus hes bene or salbe offerit." But farther, "in respect hir expenssis in the meantyme can not be modifiit be the Lordis of Counsell and Sessioun, be ressoun of thair absence and not convening during this feriat and clois tyme of harvest instant," the Lords of Council therefore "modifiis to hir the sowme of twentie schillingis to be pait to hir be the said Williame Lawder, hir spous, daylie fra the day and dait heirof unto the first day of Januar nix to cum," ordaining letters to issue "chairgeing the said William Lawder to mak payment to the said Jeane of the said sowme daylie, within sex dayes nixt efter he be chairgeit thairto efter the end of ilk moneth, during the said space, under the pane of rebellioun." Acta 1581–85

Falkland, 16th September.

Sederunt—Ut in die predicto.

Livingston of Dunipace and Drummond of Carnock to enter in ward.

Johnne Levingstoun, younger, of Denypeace, and Patrik Drummond, fiar of Carnok, are commanded to enter in ward within the bounds of Galloway within three days after charge, under pain of rebellion.

Falkland, 17th September.

Sederunt—Ut in die predicto. Fol. 65, a.

Caution for Gavin Hamilton of Raploch.

Caution in 5000 merks by David Monypenny of Pitmillie and Thomas Kirkpatrik of Closburne for the good behaviour of Gawin Hammiltoun of Raploch, and for his appearance when required upon six days' warning.

Charge to Johnston of that Ilk to render Langholm.

Order to Johnneston of that Ilk and Cristie Armistrang of Barngleis, called Johnnis Cristie, to deliver the place and fortalice of Langholme to Johnne, Earl of Mortoun, within forty-eight hours after being charged, under pain of rebellion.

Falkland, 18th September.

Sederunt—Ut in die predicto.

Resolution by the King, with advice of his Council, "that na giftis of the escheatis of quhatsumevir personis presentlie dissobedient, or that heirefter

Acta 1581–85. salbe declarit dissobedient and denunceit to his Hienes horne," shall be " disponit to ony persoun or personis " till his Majesty, with advice of his Council, shall declare his will " alsweill toward the persoun suitar of the saidis giftis as towart the making of the compositionis and dispositioun of the same, or sa mony of thame as his Majestie sall think maist meit and convenient for releif of the bypast charges sustenit be William Stewart, capitane of the Castell of Dumbartane, and furnessing of sic thingis as necessarlie mon be had for the better keping of the samyn castell heirefter."

Order for the relief of charges incurred by William Stewart, Captain of Dumbarton Castle.

" The Kingis Majestie, still continewing in his former cair to satisfie all his gude subjectis, hes thocht convenient to lett thame knaw the trewth of his lait proceidingis, his Hienes cours and intentioun alwayes being to wishe and procure thair weill and sauftie, and to extend his clemency to all trespassouris that will humble thameselffis and crave his Majesteis pardoun for the public attemptat done and committit this last yeir aganis his Hienes; finding it now verie necessar that his gude intentioun be manifested and delaited mair largely and expresly then it wes of befoir in
Fol. 65, b. his Hienes former proclamatioun maid at Perth, in respect of the rumouris sawin and doubtis put in mennis hartes, as thocht his Hienes intendit, notwithstanding his said lait proclamatioun, to call to mynd the said publict attemptat, pretending the caus throw the committing of sum few personis to waird and fleing of sum uthers unwilling to abyde the triall of his lawes: For removing of quhilkis doubtis and suspitionis, his Majesty, be thir presentis, assuris all his gude subjectis that the order laitly used aganis onie particular personis hes bene onlie for trying of certane previe and particular attemptatis, practized to have bene committit aganis his Majesteis persoun and estate baith beside and efter the said publict Act, quhairby sum, fearing and finding thameselffis gilty of the same previe attemptatis, wald perswaid that thay ar persewit and put at for the said publict Act, quhilk of the selff is maist untrew, and sa may weill appeir; respecting the trewth of his Hienes haill late proceidingis, and his promis maid to his dearest suster the Quene of England be hir late ambassadour, quhilk his Majestie thinkis, God willing, inviolabilly to observe; promitting likuise, as of before, pardoun to all his subjectis for the said publict Act that will humbly crave the same; and assuring all his subjectes that he myndes the harme or wrak of na nobleman in Scotland for quhatsumevir publict caus bigane, bot, as baith in word and writ he hes certifiit thame thairof, sa with his hart he forgevis thame and all utheris his subjectes, of quhat degre sa evir thay be of. Quhilk as his Majestie heir promittis, sa sall he mak it to cythe in gud effect heirefter, not doubting bot his saidis subjectes quhilkis heirtofore hes offendit his Majestie, be thair debtfull obedience and gude behaviour in tyme cuming, will merite his Hienes foirsaid clemency and gracious guid will extendit towardes thame. Thairfoir ordanis letters to be direct for publicatioun of the premissis be opin proclamatioun at the mercat croces of the head burrowis of this realme and utheris places neidfull, that nane pretend ignorance of the same."

Falkland, 21st September. King's declaration as to the security of his promise of pardon to all concerned in the Raid of Ruthven.

Edinburgh, 23rd September.

Caution for Edward Sinclair.

Caution by Thomas Vaus and Archibald Hoppringill, burgesses of Edinburgh, for Edward Sinclair, eldest son of Sir Williame Sinclair of Roisling, that Christiane Dowglas, spouse of the said Edward, shall have peaceable access to him in his father's place of Rosling, and that he shall appear before the Council on 13th November next, to "underly sic order as salbe tane in that behalf" [see *ante*, p. 568]. Acta 1581–8. Fol. 65, a.

Falkland, 24th September.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Jacobus, Dominus de Down; Commendatarius de Pettinweme; Custos Secreti Sigilli; Clericus Registri; Murdocairny. Fol. 65, b.

Protest by Robert Douglas of Drumgarland.

Robert Douglas of Drumgarland having appeared before the Council as charged, "in respect that nane comperit to accuse him, protestit that he sould not be haid to answer quhill he wer chairget of new and his expenssis pait; quhilk protestatioun the saidis Lordis admittit."

Falkland, 3rd October.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Craufurd; Commendatarius de Pettinweme; Computorum Rotulator; Clericus Registri; Murdocairny.

Order to denounce the Sheriff of Roxburgh and others.

Williame Douglas of Cavers, sheriff of Roxburgh, Richert Rutherfurd, provost of Jedburgh, Walter Scot of Goldelandes, chamberlain of Atrik Forrest, Mr James Betoun, parson of Auld Roxburgh, Mr Robert Ker, parson of Marbotle, and Andro, Commendator of Jedburgh, denounced rebels for not appearing before the Council as charged.

Stirling, 19th October.

Sederunt—Colinus, Comes Ergadie, Cancellarius; Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Jacobus, Comes de Glencairne; Jacobus, Dominus de Down; Dominus de Thirlstane; Commendatarius de Pettynweme; Custos Secreti Sigilli; Computorum Rotulator; Murdocairny.

John Somerville of Torbrax against Lord Somerville and others.

Complaint of Johnne Somervile, son of Johnne Somervile of Cambusnethane, as follows:—On the 25th of June last, "Hew, Lord Somervile, James Somervile in Moffat, Michaell Huntar in Fallo, David Somervile in Grenefeild, and James Somervile thair, with divers utheris thair complices, bodin in feir of weir, with jakkis, steilbonettis, speris, hagbuttes, and pistolettes, prohibit to be worne be Actis of Parliament and Secrete Counsale, and utheris wappynnis invasive, come to the ground of the said complineris landes of Torbrax, and thair not onlie invadit him for his bodelie harme and slauchter, and chasit him to his awin place of Torbrax, and schot and dischargeit pistolettis at him, constraning him to tak his hous Fol. 66, a.

Acta 1581–85. for the saifty of his lif, bot alsua schot and dischargeit pistolettis at his wyff, scho being greit with cheild, and fleit [*i.e.*, terrified] hir thairwith in sic sort that scho [is] in extreme danger of hir life presentlie, and hes lyin bedfast continewally sensyne, and nevir able to recover hir helth."—The defendants having been summoned to answer, under pain of rebellion, and the said Johnne Somervile appearing personally, and Hew, Lord Somervile, David Somervile in Greinfeild, James Somervile there, and Michaell Huntar in Fallo, being also present, the Lords remit the matter, as regards them, "to be persewit befoir the juges competent," but order James Somervile of Moffet to be denounced rebel for not appearing as charged.

Stirling, 20th October. Caution for John Somerville.

Caution in £2000 by Johnne Somervile of Torbrax, as principal, and David Neisbit, baron of Dalzell, as surety, that Hew, Lord Somervile, his bairns, brother, servants, and tenants shall be harmless of the said Johnne in their persons, lands, and goods.

Stirling, 21st October. Caution for Lord Somerville.

Caution, on the other hand, in 5000 merks, by Hew, Lord Somervile, as principal, and David Someruele of Plane, as surety, that Johnne Somervile of Torbrax, his bairns, brothers, servants, and tenants shall be harmless of Lord Somervile.

Caution for Andrew Monro.

Caution in £2000 by Normond Dumbar of Cluny, and Antoun Bruce, burgess of Sterling, for the entry of Andro Monro of Dawachtartie in ward in Inuernes Castle by the 10th of November next, Johnne Andro subscribing the obligation for Anthoune Bruce.

Caution for Lauder of Halton and Lauder of Quhitslaid.

Caution in 10,000 merks for William Lawder of Haltoun, and in 5000 merks for Gilbert Lawder of Quhitslaid, by James, Erll of Glencairne, that the said William and Gilbert shall, by 16th November next, either return the bands "subscrivit be ane or ma of the baronis nominat as cautionis and souirteis for thame for observing of the conditionis severalie mentionat in the Act, and tueching the non-persute of Alexander Lawder, sone to the
Fol. 66, b. said Williame, his moder, brether and sisters," or else enter themselves before the King on that day, remaining till they find the said surety.

Caution for Cunningham of Drumwhassell.

Caution in £5000 by James, Earl of Glencairne, for Johnne Cunynghame of Drumquhassill, now in ward in the Castle of Sanct Andros, that he shall, when released, repair immediately to his own house of Cragyverne, remaining there till freed and behaving as an obedient subject, and also that he shall enter himself before the Council when required upon fifteen days' warning.

Stirling, 22nd October.

Sederunt—Ut in die predicto.

Fol. 67 a Registration of contract made at Sanct Androis on the 23rd of August last between Eustachius Roghe, mediciner, a Fleming, on the one hand, and

Contract concerning the mines between the King and Eustace Roche, a Fleming.

the King, with certane of the nobles subscribing with him, on the other, by which contract a monopoly of the finding and working of the gold, silver, copper, tin, and lead mines of the realm was granted, on certain conditions, to the said Roghe, for twenty-one years, but without prejudice to the rights of the Earl of Arrane to certain lead mines. [The contract, having been ratified by Parliament in 1584, will be found printed in full in the Acts of Parliament, iii. 368–371.] Acta 1581–85. Fol. 67, b.

Stirling, 24th October.

Sederunt—Huntlie; Arrane; Montrois; Mortoun; Seytoun; Down; Pettinweme; Thirlstane; Custos Secreti Sigilli; Murdocairny; Computorum Rotulator; Clericus Registri.

New assurance of clemency to offenders in the Raid of Ruthven, &c.

As there have been reports, in the case of certain persons recently denounced rebels and put to the horn for not entering in ward to abide their trial for certain private treasonable practices, "complening on the schort space of tyme appointit for thame to enter, and pretending the occasioun of thair persute to be for the publict attemptat committit aganes his Hienes the last yeir, aganis the trewth of his Hienes sinceir meaning and proclamationis heirtofoir publissit," therefore, and to show his Majesty's continued clemency, and his resolution not to punish any for the offence of last year, proclamation is ordered in Edinburgh and elsewhere, to inform all who have already been put to the horn for not entering in ward "that, upoun thair offer yit to enter betuix and the first day of December nix to cum, findand souirtie to that effect, thay salbe relaxt fra the said proces of horne led aganis thame, and thair escheat guid and levingis sall not be disponit or intromettit with."

Stirling, 25th October.

Sederunt—Ut in die predicto. Fol. 68, a.

Thomas Bruce against Alexander Forester.

Complaint by Thomas Bruce of Larberscheles, as follows:—"He hes oft and divers tymes lamentit to the Kingis Majestie and Lordis of Secreit Counsale the intollerable wrangis and injuries quhilk he hes sustenit and underlyis be the manifest oppressioun of Alexander Forster of Garden, heretable forester of the Kingis Majesteis Torwodles, be his violent and wilfull downe-halding of the dykes thairof ewest the compliners landes and heretage, quhairby not onlie is the said wod land oppin on that syde, of a malicious intentioun and sett purpois to lett cattell, hors, and swyne, pasturing within the said wod, have acces to his corneland, to waist and eit up the incres thairof, as thai haif done at sindry tymes of befoir, bot thairwith, quhenas hirding usuallie is gevin up, he is compellit of force to hald ane winter hird to keip his cattell furth of the said wod quhair it is patent to thame; and, gif it happin at onie tyme that his said cattell, for eschewing of the violence and scharpnes of a stormy wether, to withdraw (as naturallie thay do) to the ley of the saidis woddes, and enter thairin, quhair is nathing to withstand thame nor hald thame owt, thay ar schot and hochit be the said Alexander and his servandis at his command, to his

Acta 1581-8. gret skaith and heavie dampnage; committand thairthrow maist violent and manifest oppressioun upoun him, being the Kingis heretable fewar of the saidis landes, quhairas it lyis to the dewetie of that office of forster to releif him baith of the ane and uther be imparquing of the said wod with ane sufficient dyke, able alsweill to keip in as to hald owt."—Alexander Forester having appeared to summons, and the complainer being also present, the Lords order Forester [1] to find surety "that he sall big and hald up ane sufficient dyke for keping of the guides pasturing within the said forrest fra eatting and distructioun of the said Thomas Bruce coirnis in the summer tyme and harvest, and for keping of his guides and cattell unentering in the said forrest in the winter and spring tyme, reservand onlie in the said dyke ane stile to him and his servandis to bring ower watter and wesche thair clathis at the well within the same dyke, and that the said dyke salbe compleit and performit betuix and the tent day of Aprile nix to cum;" [2] to "use gude neichtbourheid to the said Thomas, turnand his guidis that sal happin to enter in the wod, or to poind thame, letting thame out for reasonable poindlaris fee, unhoundit, slayne, or hocht;" [3] also to find caution in 200 merks within twenty-four hours after being charged that the complainer, his wife, bairns, servants, and tenants shall be harmless of him, under pain of rebellion:—"without prejudice alwayes to the said Alexander to persew his Majesteis comptrollare befoir the Lordis of Sessioun, or uthers judgeis competent, for his releif in this caus, gif he onie aucht to haif."

Caution, in the manner and to the effect foresaid, by Alexander Forester of Garden, as principal, and Alexander Forestar of Boquhane, as his surety. Caution for the above Forester.

Fol. 68, b. Complaint by James Lawsoun, eldest son and apparent heir of George Lawsoun of Carnemuir, in name and behalf of Margret and Marioun Lawson, daughters to the said George, as follows:—"Be speciall gift and assignatioun maid be the said George to his saidis dochters of sex oxin, twa hors, twa kye, twa young coyes, and likwyse of the haill coirnis growand on the ground of Cambok of this present crop and yeir of God, 1583, to have bene convertit and imployit to thair behuiffes as thair bairnes part of gude destinat to thair sustentatioun and upbringing, the said James, in name and behalf foirsaid, having tane possessioun thairof, the samyn wes left in the custody and keping of thair said fader, to be intromettit with and disponit upoun be him to thair use and commoditie, as ane instrument tane thairupoun mair at lenth beirs. Notwithstanding quhairof, Alexander Douglas, burges of Edinburgh, allegeing him donatour to the said Georges escheate, upoun ane pretendit hoirning led aganis him ane yeir syne or thairby, having obtenit utheris letters to intromett with all and sindrie the said Georges cornes, cattell, and uthers movables, hes alreadie tane and transportit away the saidis oxin, ky, hors, and coyes, of intentioun to leid likwyse the haill coirnis that grew upoun his ground this present yeir, althocht the same be nawyse incident in his James Lawson, on behalf of his two sisters, against Alexander Douglas, burgess of Edinburgh.

gift of escheate, as pertening in na maner of way to the said George, being assignit be him to his saidis dochters of befoir, as the said James, at his transporting of the foirsaid cattell, offered him ready to mak faith to the officiar executour of the letters, and that he hes sufficientlie quhairupoun to verifie the same befoir the Kingis Majestie and Lordes of Secret Counsall."—Parties having been summoned, and the complainer appearing personally, but Douglas having failed to attend, the Lords decern Douglas to restore the beasts in good condition to the complainer for the behoof of his sisters, and also to desist from all intromission with the corns of the said lands. Acta 1581-85.

Stirling, 26th October.

Sederunt—Ut in die predicto.

Order for the application of the surplus of a fund collected for the ransom of some Scottish captives from the Turks.

A committee of the Council, consisting of Master Johnne Maitland of Thirlstane, Sir Robert Mailvile of Murdocairnie, treasurer-depute, and Alexander Hay of Easter Kennet, clerk of register, had been appointed by the King and the rest of the Council, "for heiring, futting, and perfyting of the compt of umquhile Andro Buke, burges of Aberdene, maid be Thomas Buke, his sone, of his intromissioun with the almous collectit throw this realme for releif and rannsoning of certane his servandes, mariners, tane captives be the Turkes and pirettis in Argeirs in Affrek." This committee having finished the business, "and his Majestie being credibillie informit of the deceis of the saidis captives for quhais releif the said almous wes collectit," his Majesty now, with advice of the Council, "ordanis the superplus (attour the expenssis maid in imbringing and collecting thairof defalcat in the said compt), extending to five houndreth thre scoir four poundes, x đ., to be deliverit be the said Thomas Buke to Thomas Scromp, indwellar in Leith, sone-in-law and procuratour for David Hume, skipper thair, liand presentlie captive in Burdeaulx, for his releif:" the present act of Council, together with the said Thomas Scromp's acknowledgment of receipt of the surplus, to be a sufficient discharge to the said Thomas Buke of the whole account. Fol. 69, a

Lord Seton appointed ambassador to France.

"The quhilk day, the Kingis Majestie, with avise of the Lordes of Secrete Counsale, hes thocht gude, concludit, and resolvit, that George, Lord Seytoun, salbe directit with diligence as ambassadour to his dearest bruther the King of France, to treit and confer upoun sic thingis as his Majestie hes gevin him in commissioun, and to report answer thairupoun, and ordanit ane act to be maid heirupoun, *ad futuram rei memoriam*."

William Robison against William and Alexander Porterfield.

Complaint of William Robesoun, messenger, as follows:—On the 24th of August 1582, "the said William being upoun the marcat croce of Paislay, proclamand and executand certane letters rasit at the instance of Johnne Lochart in Dennystoun aganis Williame Portarfeild of Douchall, the said Williame Portarfeild, accumpaneit with Alexander Portarfeild, his sone, and divers utheris his servandes and complices, come upoun the said

Acta 1581-85. compliner; and, efter the cruell dinging and geving of him mony bauch strakes, they perforce chasit him fra the said croce of Paislay, constraning him to tak ane hous for the saifty of his lif, and sua deforceit and stoppit him in the executioun of his office. Like as thai, not being content thairwith, bot continewand in a malicious rage aganis the said compliner, come that same nicht to his dwelling hous in Milnebank, and brak up his durris, enterit thairin perforce, tuke him out of his bed, and hurt and woundit him in divers pairtes of his bodye, to the effusioun of his blude in gret quantitie, in perrell of his lif, committand heirthrow manifest and oppin oppressioun upoun the said compliner, being ane messinger of armes, for the lauchfull executioun of his office and chairge, in hie contemptioun of the Kingis Majesteis authoritie and lawes, and to the evill example of utheris to misregaird his Hienes charges and authoritie gif this remane unpunishit."—The two defendants, William Portarfeild, and Alexander, his son, not having appeared to the usual summons, while the complainer appears by Patrik Lindsay, his procurator, the Lords order them to be denounced rebels.

Suit of Alexander Burnet, burgess of Edinburgh, and Mr Johnne M°Calyeane, his father-in-law, for his interest, as follows:—In May 1581, the late Duke of Lennox had sold to the said Alexander "certane scheip disponit be the Kingis Majestie in gift to him in satisfactioun of certane waires furnessit to his Hienes house;" which sheep had been afterwards sold by the complainer to Adame Stevinsoun, William Peirsoun, and Edward Reidpeth, "upoun sober advantage." Having paid the Duke a price with which he was "fullelie satisfeit," the complainer had been obliged, in August 1581, to bring an action, before the provost and bailies of Edinburgh, against the said persons for payment of the money they owed him. After delays occasioned by them, he had, on the 11th of August 1582, "obtenit decreit aganis the saidis persones, decerning thame to pay to him the soume of ane thowsand merkes." Moreover, one of these persons, William Persoun, has obtained another decree against his co-defendant Adame Stevinsoun, "decerning the said Adame to releve the said William of his pairt of the said decrete obtenit be the said Alexander aganis thame thre." Nevertheless, the said persons collectively intend to frustrate the execution of the decree obtained by the complainer against them, and the said Adame Stevinson also intends to frustrate the decree obtained by his co-defendant against himself in particular. This they do on an "assention" of the latter "that the said umquhile Esme, Duke of Lennox, is awand to him certane soumes of money." That representation is untrue, "seing that the said Adame, at the said umquhile Duikes depairting furth of the realme, ressavit his precept commanding his tennentes of Dalkeyth and Aberdene [Aberdour?] to mak the compliner payment of auchtene chalders cheritit beir of the crop lxxxii, quhairupoun he obtenit decreit, as the samin beris, and according to the said decrete hes ressavit payment of the said victuall." But the state of the case now is that "the saidis persones, be the meanes

Suit of Alexander Burnet, burgess of Edinburgh, and his father-in-law, Mr John M°Calyeu, against certain debtors of theirs.

Fol. 69, b.

of the said Adame, quha sould pay the haill sowmes decernit, hes, as thai afferme, obtenit letters of supersedere of all executioun of the saidis decreittes; quhilk will not onlie be prejudiciall to the executioun of the lawes, repugning to justice, bot als thai and divers uthers inhabitantes of the burgh of Edinburgh wilbe utterlie wrakkit thairby."—The said Adame Stevinsoun and William Peirsoun having been called, and Mr Johnne M°Calyeane appearing for himself and in name of the said Alexander Burnet, but the parties above-cited not appearing, the Lords, "understanding the said letter of supersedere to be sinisterlie purchest to the hinderance of justice and defraud of creditouris," decern it and any other such that may be obtained by Stevensoun and Peirsoun "to be null and of nane avale;" and they also ordain the provost and bailies of Edinburgh "to retene and keip still the said Adame Stevinsoun and William Peirsoun in waird within thair tolbuyth quhair he presentlie remanes, ay and quhill thai satisfie and fulfill the foirsaid decreit purchest aganis thame in all pointes." Acta 1581–85.

Stirling, 29th October.

Sederunt—REGE PRESENTE—Colinus, Ergadie Comes, Cancellarius; Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Dominus de Seytoun; Dominus de Downe; Thirlstane; Commendatarius de Pettynweme; Clericus Registri; Murdocairny.

Revocation of a gift granted to Robert Montgomery, son of Mr Robert Montgomery, bishop designate of Glasgow.

On the 1st of November last, "thair wes assignit to James Andersoun, minister of Striveling, for serving at the kirk thairof, for payment of his stipend, foure chalders, xiiii bollis, iii firlottis maill, and five bollis thrid part boll beir, furth of the thrid of the victuale of the bischoprik of Dumblane, and out of the silver thrid of the said bischoprie of Dumblane xvi ℔. xiii ß. iiii ₰. money, and out of the thrid of the thesaurarie of Dumblane xx ℔., and out of the thrid of Dumfermling the haill personage of Striveling, extending to iiii^{xx} poundis, ten pundes for the gleib of Striveling, and xlii ß. ii part ₰. for the collectour-generall—extending in the haill to ii^{c} ℔." Nevertheless, "Robert Montgomerie, sone to Mr Robert Montgomerie, sumtyme minister at the said kirk, under pretens of a title of pensioun maid to him be the Kingis Majestie of the said ministers stipend, acclamis the samin money and victuall foirsaid, and trubles and molestes the said minister, be himself and uthers in his name, in the peaceable uptaking of his stipend; albeit it be of veritie that the said Mr Robert, being sumtyme minister in the said toun, had the foirsaid victuell and silver assignit to him in proper payment of his stipend for the serving of the said kirk be the space of nyne or ten yeres, and that he, foreseing his awin removing frome thair ministerie, providit the said victuale and silver to his said sone in pensioun, and be circumventioun of the Kingis Majestie obtenit his Hienes gift thairupoun, to the greit hurt and prejudice of the said minister and expres aganis all ressoun, equitie, and gude conscience." All this being considered by the King and Council, his Majesty now revokes the

Acta 1581–85. Fol. 70, a.

said pretended gift granted to Robert Montgomerie of the foresaid victual and silver, so that the said minister may enjoy the same; and publication is ordered to be made accordingly.[1]

James Douglas of Drumlanrig and the Provost of Lincluden committed to ward.

Complaint of Johnne Johnnstoun of that Ilk, warden of the Middle Marches, as follows:—It having been his Majesty's pleasure in December last "to burding him with the said office of wardanerie," with "ane allowance to have bene gevin to him for intertenyment of a garesoun of horsmen," he had, though he received little or nothing of that allowance, and though there were besides great sums of money "awand to him of befoir," persevered in his duty, "preferring his Majesteis service and the quietnes of the cuntre to his awin particular gane." By his diligence, "and lairge and suumptuous charges," he had brought this troublesome district into such obedience that, when he left Annanderdaill lately for Sanct Androis at the King's desire, he could cause all men within his wardenry "to mak answer and redres bayth to Scotland and England for onie attemptatis committit be thame." But, about the 31st of August last, while he was at Sanct Androis, "James Douglas of Drumlangrig, and Mr Robert Douglas, provest of Linclouden, convenit thair freindis and servandes, viz., Archibald Douglas in Prinzarie, Douglas, his bruder, Archbald Douglas in Carrenhill, Douglas, younger, of Erschemortoun, Malcolme Fleming, James Fleming, his bruder, David Bell, Walter Bell, his broder, with divers utheris thair complices; quha, accumpaneit alsua with the Carlelis and Irvingis of Mulflat and Turneschaw, Scottis outlawes, as alsua with the Grahames of Esk, Englishmen,—to witt the brether of Rosetreis Hucheoun, the Grahames sonnes, and Johnne Grahame, sone to Arthour of Blawatwod,—with divers uthers brokin men, quhilkis wer interteneit be the said Laird of Drumlanerik this half yeir bygane, to the nowmer of fiftie men or thairby, bodin in feir of weir, come to the house of the Bonschaw, and thair be force and way of deid enterit thairintill and maisterfullie sett at libertie and tuke with thame certane persones of the surnames of the Bellis and Irwingis, to the nowmer of xviii personis or thairby, quhilkis wer wardit be the said warden within

[1] The Mr Robert Montgomery, senior, of this entry had been left excommunicated by the Kirk, but had been declared by the Lennox Government to be legal Bishop of Glasgow nevertheless (*ante*, pp. 486, 496). Through the subsequent year of government by the Ruthven Raiders (August 1582 to June 1583) he had, of course, received no state-favour whatever. It is the more curious to find the King and Council now, four months after that counter-revolution which had disabled the Raiders of Ruthven, and might have been expected to restore Montgomery's chances, giving effect to a special demand which the Presbyterian leaders had made in connection with their prosecution of him. In a long list of "articles for the Kirk and Commounweale" drawn up by the General Assembly in October 1582, for presentation to the King, Council, and Estates, this was one:—"*Item*, that the stipend appointed for the minister of Stirline, and now wickedlie purchassed by Mr R. Montgomrie to his young sonne, be restored again, for sustentatioun of a qualified man, to teache that flock, which, by his ungodlie dealing and apostasie, hath beene so lang destitute" (Calderwood, iii. 687). For the present act of Council, rectifying the wrong thus denounced a year before, there may have been special motives at the moment.

the place of Bonschaw, as notorious offendouris, rebellis, and dissobedient personis." These they had carried away to the town of Drumfreis and to the college of Linclouden, where they still were; after which "the said Laird of Drumlangrigis freindes and servandes, togidder with the outlawes foirsaidis, returnit hame to his place of Drumlangrig, and wer ressett be him and the said Provest thairintill." Unless such lawlessness is prevented, it will be impossible for the warden or any other officer to do his duty.— The persons complained against, viz., the said James Douglas and Mr Robert Douglas, having been summoned to answer, under pain of rebellion, and the Laird of Johnnestoun appearing by Andro Johnnestoun of Kirktoun, his servant and procurator, and James Douglas and Mr Robert Douglas appearing personally, and these two having "confessit that thay wer upoun the foirknawlege of the libertie of the foirsaides persones, and that thai and utheris freindes, procuraris of thair libertie, wer in the said James Douglas hous of Drumlangrig sensyne, like as sum of his awin houshald servandes assistit to thair libertie, without directioun or commandiment of him, as he allegeit," the Lords, in respect of this confession, ordain James Douglas to enter in ward within the castle of Edinburgh and Mr Robert Douglas within the castle of Blaknes, both on pain of rebellion, and to remain there till the foresaid persons forcibly released and carried away be entered before the Council or the warden. Acta 1581-83 Fol. 70. b.

Stirling, 31st October.

Sederunt—Georgius, Comes de Huntlie; Dominus de Seytoun; Commendatarius de Pettinweme; Computorum Rotulator; Clericus Registri; Custos Secreti Sigilli; Murdocairny.

Order to all guilty of concern in the Raid of Ruthven to solicit pardon in regular form.

"The Kingis Majestie, continewand in his clemencie schewin in effect toward all his subjectes culpable of the publict offence committit at Ruthven upoun the xxiii day of August the yeir of God $j^{m}v^{c}lxxxii$ yeris, sa fer to his Hienes offence and displeasour, quhilkis, in humilitie acknawlegeing the same, wald crave his Hienes mercie and pardoun thairfoir, and willing to haif pruif of the obedience and gude behaviour of his saidis subjectes in tyme cuming, and to tak away frome thame all pretense of excuise and ignorance, ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas to the mercat croces of Edinburgh, Linlythgow, Striveling, Perth, Dundie, Couper, Kinros, and uther places neidfull, and thair, be oppin proclamatioun in his Hienes name and authoritie, to intimat and gif warning to all and sindry his Hienes lieges that ar in danger of his Hienes lawes for the caus abone writtin, that thai mak sute to crave and obtene his Hienes mercy and pardoun thairfore, and to pas the same ordourlie throw his Hienes seillis, betuix the dait heirof and the first day of December nixt, with certificatioun to thame that failyeis, contemning his grace and mercy offerit, his Hienes will suffer the cours of his justice to proceid and be used aganis thame; and, in cais onie signatouris of remissioun foir the caus foirsaid alreadie subscrivit be his Hienes sall not be past his seillis befoir the said

Acta 1581–85. day, his Majestie, be thir presentis, now as then and then as now, declaris thame invalide, and to be of nane avale, force, nor effect for all tyme efter the said day."

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Jacobus, Dominus de Downe; Commendatarius de Culros; Clericus Registri; Custos Secreti Sigilli; Computorum Rotulator. Stirling, 8th November.

New and more comprehensive Revocation of all gifts and grants out of the property of the Crown.

The efforts of the King to retrieve his revenues by previous Acts revoking gifts and alienations of crown property having been thwarted by the importunity of persons obtaining new grants after the said revocations, his Majesty now, with advice of his Council, passes an Act of more comprehensive and peremptory revocation. It includes [1] revocation of all kinds of grants made to any person or persons of "onie landes, lordschippes, rowmes, possessionis, custumes, annuellis, fischeingis, castell wardes, or onie uther thing quhatsumevir, quhilkis ar of the proper patrimonie of his Majesteis crown," so that the chamberlain, comptroller, or other proper officer may intromit with the fruits and rents of the same hereafter, beginning at the term of Martinmas next: the infeftment to Robert, Earl of Marche, of the earldom of Marche alone excepted. It includes [2] revocation of all grants made "furth of commoun kirkes, freir landes, thriddes of benefices, superplus or omittit," and any other kind of disposition "prejudiciall to the full fruitioun and uplifting of the thriddes of all benefices within the realme assignit be Act of Parliament to be first payet to the ministers travelland in the Kirk of God, and the superplus to us," so that the general-collector may intromit with the same, beginning at the said term,—with these exceptions only: the ordinary stipends of
Fol. 71, a. ministers for their teaching and residence; the assignations of the thirds of the bishopric of Caithnes and priory of Sanctandrois to Robert, Earl of Marche; and the thirds of the abbey of Aberbrothok, assigned to Ludovic, Duke of Lennox.[1] It included [3] revocation of all gifts assigned to any person out of the treasury, the cuinyiehouse, or other casualties, the same returning to the King's own use at the said term of Martinmas next, with exception of the fees of the ordinary officers admitted in the exchequer accounts.—This revocation, which is ordained "to haif full effect frome the day and dait heirof in all tyme cuming," is fortified by strict rules against any who by importunity may move his Majesty to the renewal of any infeftment, gift, or alienation, against its tenor, and by certification to the auditors

[1] At the very date of this entry the young boy, Ludovic Stewart, now Duke of Lennox, in succession to his father, Duke Esme, was on his way to Scotland from France. His arrival on the 13th of this month (Nov. 1583) is thus noted by Calderwood:—"Upon Wednesday the 13th, at night, the Duke of Lennox eldest son landed at Leith, accompanyed with the Master of Gray, son to the Laird of Craigiehalls, and five or six others, Papists. The day following, Huntlie, Craufurd, Montrose, and Collonel Stewart, come to Leith, and convoyed him to Kinneill to the King, who was exceiding glad of his coming" (Appendix, viii. 254, 255).

of chequer that, if they admit or allow any such gifts or dispositions, "thai salbe answerable and addettit to his Majestie of thair awin propre guidis for sa mekle as thai allow thairof, and the obtenares of the saidis alienationes, giftes and dispositiones nevirtheles not to be relevit thairof;" as also by injunctions to the Lords of Council and Session to do their parts in carrying out the Act, and by an order for the proclamation of the Act itself at the market crosses of all the head burghs. There is, however, this final proviso,—"Providing alwayes that this present Revocatioun be not extendit to onie gift or dispositioun maid be his Hienes to his Hienes richt traist cousing and counsellour, James, Erll of Arrane, Lord Avane and Hammiltoun, of quhatsumevir thing may in onie wayes be comprehendit thairin, nor to the pensionis of his daylie servitouris, Johnne Andro and Mr George Young, in respect of thair continewall service and attendance upoun his Majestie." Acta 1581-8

Sederunt—Ut in die predicto.

Holyrood-house, 18th November.

Earls, lords, and other great persons not to resort to the Court before the 7th of January next, and precedence till then to be given to the causes of poor and mean litigants.

"The Kingis Majestie, with avise of the Lordes of his Secreit Counsale, for certane gude and necessar considerationis moving his Hienes, tending to the quietnes of his estait and realme, ordanis ane herauld, maser, or uther officiar of armes, to pas to the mercat croce of his burgh of Edinburgh, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge all and sindrie erllis, lordes, prelattes and barones, not being of his Hienes Previe Counsell and Sessioun, that thay contene thameselffis at thair duelling places, and reteir thairto in all gudlie diligence, with all gentlemen and serving men (not depending upoun the noblemen and officiares now awaitting on his Majestie), and that nane not heir licencit presume or tak upoun hand to resort to the burgh of Edinburgh or to his Hienes presence befoir the sevint day of Januar nix to cum, except sic as ar or salbe expreslie requirit and wrettin for be his Majestie, and that onlie accumpaneit with the nowmer specefiit in the proclamatioun maid thairanent [*ante*, p. 576]; and that na nowmer of personis repair to the said burgh or to his Hienes presence with convocatioun or armed utherwayes nor with sweird and quhingear (his Majesteis gaird and sic as sal have his speciall licence onlie exceptit), notwithstanding onie pretense of thair chargeing or summonding befoir his Hienes and his Secrete Counsell, or befoir the justice and his deputtes, or befoir the Lordes of Counsale and Sessioun or utheris inferiour juges, or for onie uther occasioun quhatsumevir, under the pane of incurring his Hienes displeasour and indignatioun; commanding the Capitane of his Hienes gaird, and the Provest and Baillies of Edinburgh and the Canongait, to note, serch, seik, tak and apprehend all personis contravenaris of this present proclamatioun, and to keip and hald thame in suir waird and firmance, quhill justice be execute upoun thame according to thair offences, or that his Hienes have declarit his will and plesour tueching thair puneisment for thair contempt and inobedience. And, to the effect that the causes of

Acta 1581-85. the puir and meane personis may proceid and be discussit according to the lawes and justice with sum gretair expeditioun nor in tymes bygane, for the incertane delayes quhairof thair hes bene sic complaintes and exclamationis, imputand the occasioun of thair hinder to the continewall solistatioun and attendance maid for the caussis of greit pairtiis: thairfoir, and
Fol. 71, b. for eschewing of the same occasioun quhill the said sevint day of Januar nix to cum, and that nane sall neade continewallie to attend upoun the Sessioun in the meantyme bot sic as salbe maid certane to have thair maters callit and put to poynt in ordour, his Majestie hes requirit the saides Lordes of Counsale and Sessioun to call the ordinar actis of witnessis efter litiscontestatioun, as alsua to mak rolles of the speciall caussis of the mean and puir partiis, quhair now the erll, lord, prelate, or barroun is persewar, or defendar, quhilkis thai intend to call and proceid in during this present sessioun, upoun the dayes proper thairfoir, begynnand at sic as ar maist ancient and hes bene first intentit, and to affix or place the said rolles publictlie in the tolbuyth of Edinburgh, that the parteis or thair procuratouris may have knawlege thairof; makand intimatioun to all utheris quhais causses ar not specialie contenit in the saides rolles, that thai sall not nead to attend or lippen for proces thairin before the said day, except upoun sum speciall and necessar respectes moving his Hienes, efter lawfull warning to be gevin to the pairteis efter the dait heirof to persew or defend, conforme to the desire of the term, as appertenes."

Sederunt—Ut in die predicto.

Holyrood-house, 23rd November.

Licence to four persons to intercommune for the next fortnight with all rebels, and mediate for them.

His Majesty, "continewing in his clemencie," and "moved be the humble and earnist supplicatioun of certane of the ministers of Goddes word and utheris personis zealous of his Hienes honour," hereby, with advice of his Council, "licences and permittes his weilbelovittes Robert Fairly of Braid, Mr David Carnegy of Colluthy, Maisters David Lindsay and Andro Hay, ministers, conjunctlie and severalie, to intercommoun personalie, or be thair letters and mediat personis, with all personis his subjectis, now being his Hienes rebelles or standing in his offence and displeasour, remaning within this realme or outwith the same, for informing thame of the sinceritie of his Hienes dispositioun and clemency quhair he sall find submissioun and trew obedience, and thairefter to ressave thair supplicationes and offers fra thame, to present the same to his Hienes and mak intercessioun for thame." The four commissioners so appointed are guaranteed an indemnity for all their proceedings in this business till the 1st of December next, and have powers given them till that date "to assuir all persones with quhom thay sall think meit to intercommoun to repair to sic place or places as thai sall appoint, being alwayes threttie myles distant from his Hienes present residence, and to pas and repas saulflie."[1]

[1] On this Commission, obtained by the endeavours of the clergy to conciliate the King with the offending lords and lairds of the Raid of Ruthven, see Calderwood, iii. 751, *et seq.* Nothing came of it; and some of the ministers, such as Mr John Durie and

Holyrood-house, 28th November.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Jacobus, Dominus de Downe; Thirlstane; Commendatarius de Culros; Commendatarius de Pettinweme; Clericus Registri; Custos Secreti Sigilli; Computorum Rotulator. Acta 1581-

Suit of William Ker of Cesford, Warden of the Middle March.

Johnne Newtoun of Greddane having been filed by Johnne Hume, brother of Alexander Hume of Manderstoun, in a bill of Mr Selbeis, warden-depute of the East March of England, William Ker of Cesfurd, warden of the Middle March, had, for his own relief of the said bill, caused charge the said Johnne Newtoun to enter himself, and also Alexander, Lord Hume, his master, to enter him, in order that he might be delivered to the opposite warden of England at a "day trew" held at Redderburne [*ante*, p. 562]. Notwithstanding the said charges, however, the Scottish Warden could obtain no entry of Newtoun, so that he had been compelled to deliver instead his own officer. At last, "for avoiding of forder expenssis," he had been moved to relieve this officer from English custody by paying £42 stg. "for the double and saiffer of the said bill," together with £26 stg. for the expenses of the said officer in England, extending in all to £68 stg., "quhilk soumes, debursed be his Hienes said warden of his awin proper geir, aucht and sould be refoundit to him be the said Johnne Newtoun; quhilk he notwithstanding refuissis, postponis, and differres to do."—The defender having been charged to make payment, under pain of rebellion, or else to appear and show cause why he should not, with certification that if he failed he should be again charged to pay or be at once denounced rebel, and the warden appearing by Robert Menteith his procurator, but Newtoun having failed to appear, the Lords "ordanes letters to be direct chargeing the said Johnne Newtoun simpliciter to the effect foirsaid." Fol. 72, a.

Holyrood-house, 29th November.

Sederunt—Robertus, Comes de Marche; Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Dominus de Seytoun; Jacobus, Dominus de Downe; Thirlstane; Commendatarius de Culros; Commendatarius de Pettynweme; Clericus Registri; Advocatus; Custos Secreti Sigilli; Computorum Rotulator.

The sum of 2000 merks advanced by the Burghs for the expenses of Lord Seton's embassy to France.

George, Lord Seytoun, having been nominated his Majesty's ambassador to France [*ante*, p. 604], "for quhais transporting and haistie dispeche and expeditioun the commissioners of the burrowis of Perth, Dundie, and Aberdene, for thameselffis and in name of the remanent burrowis of this realme, ar content and hes promittit to deburse, at his Majesteis earnist desire and requeist, the sowme of twa thousand merkes, for furnessing of ane schip with hir marineris and equippage," on the condition "that the said soume salbe allowit and defalkit to the saides burrowis in the first taxatioun that heir-

Mr John Davidson, thought their clerical brethren, Mr David Lindsay and Mr Andrew Hay, imprudent in acting as two of the commissioners for the Court in such a matter.

Acta 1581–85. efter salbe imposit and appointit to be upliftit of thame," the King, with advice of his Council, ordains that the said sum of 2000 merks shall be so allowed to the burghs in the first payment of the next taxation.

John Carmichael, captain of Crawford, against Patrick M°Crerick.

Complaint of Johnne Carmichaell of Medoflat, captain of Crawfurd, as follows:—In September 1580, "Patrik M°Crerik, with his complices, bodin in armes and weirlyk maner, come, under silence of nicht, to the said compliners susters landes of Dovane, within the baronie of Craufurdstoun and sherefdome of Dumfreis, and thair kaist downe and demolishit to the ground hir haill houssis, biggingis, being thairupoun, quhairin Thomas Ellot, hir servand, wes duelland for the tyme." Not content with this, they returned within three days, and "maist treassonablie rasit fyre and brint and distroyed the rest of the saides houssis quhilkis wer uncassin down." Farther, in October, 1582, the said Patrik, with five armed accomplices, "come to Nicoll Greirsoun hir servandes houssis in Dovane, and cruellie and unmercifullie invadit him for his bodelie harme and slauchter,
Fol. 72, b. hurt and woundit him in divers partes of his body, to the effusioun of his blude in gret quantitie, in perrell of his life."—M°Crerik having been summoned to answer, under pain of rebellion, and both he and the pursuer appearing personally, the Lords, after hearing parties, ordain the justice-clerk to try M°Crerik by an assise, upon 15th January next, for the treasonable crime of fire-raising, and in the meantime charge M°Crerik to enter himself in the tolbooth of Edinburgh within six hours, and remain there till his trial, under pain of rebellion; with certification, however, to the pursuer that, if he does not prosecute on the said day, or if M°Crerik is found not guilty, then the pursuer shall have to pay M°Crerik his expenses during his warding, with all other costs and damages, as they may be modified by the said Lords.

Holyrood-house, 2nd December. Six persons relaxed from the horn.

The following persons, having been put to the horn for not entering in ward in the places after mentioned, are now relaxed, and receive the wand of peace till the 10th of December instant:—Adam Erskin, commendator of Cambuskynneth, and Robert Colvile of Cleishe, ordered to ward in the Castle of Dumbartane; William Erskin, Commendator of Paislay, in the castle of Blaknes; Johnne Leslie of Balquhane, and William Douglas of Lochlevin, in the castle of Invernes; and Mr Johnne Colvile, chantor of Glasgow, in the burgh of Edinburgh.

Holyrood-house, 7th December. [A Convention of Estates.]

Sederunt—Colinus, Comes Ergadie, Cancellarius; Jacobus, Comes de Arrane; Robertus, Comes de Marche; Georgius, Comes de Huntlie; Andreas, Comes de Erroll; David, Comes de Craufurd; Comes de Marschell; Comes de Glencairne; Comes de Rothes; Comes de Montrois; Comes de Eglintoun; Comes de Mortoun; Dominus de Ogilvie; Dominus de Seytoun; Dominus de Hereis; Dominus de Downe; Dominus de Somervile; Dominus de Flemyng; Dominus de Yester; Dominus de Thirlstane; Caprintoun; Segy; Episcopus

de Orknay; Abbas de Newbottle; Commendatarius de Deir; Commendatarius de Culros; Custos Secreti Sigilli; Clericus Registri; Computorum Rotulator; Murdocairny; Master of Requests. Acta 1581-85.

Declaration by the King and Estates concerning the Raid of Ruthven.

New Declaration of the King, with advice of the Estates, concerning the Raid of Ruthven, pronouncing it to have been a crime of lesemajesty, though his Majesty's clemency had refrained from inflicting punishment on offenders who have submitted themselves, threatening severe proceedings against those who shall contemn that clemency and remain stubborn, and ordaining the former Declaration of the King and Estates, of October 19, 1582, justifying the Raid, to be deleted from the books of the Council [*ante*, p. 518]. It is part of the present Act that this new Declaration shall be published in all the chief burghs, and that the provost and bailies of each burgh shall notify to his Majesty any persons who by word or writing shall hereafter justify that which his Majesty and the Estates, "now being at libertie," have now "dampned," that they may be punished. [See the Act and Declaration printed in full in Acts of Parl. iii. 330, 331.] Fol. 73, a.

Protest by the Earl of Rothes that he had not approved of the former Declaration.

Protest by Andro, Earl of Rothes, that, though he had, with others, subscribed the former Declaration justifying the Raid of Ruthven, he had done so only by the King's command, and not in token of his approbation. [The Protest is printed in Acts of Parl. iii. p. 331.]

Protest by Robert Hamilton in a private suit.

Robert Hammiltoun, called Robert of the Court, having been charged by William Baillie of Cormistoun, archer of the Cross to the King of France, to answer upon 3rd inst., before the Council, for his alleged siege of the house of Cormistoun and spuilyie of horse, nolt, and sheep there, in October 1583, protests that no further proceedings can be taken against him till he is newly warned, in respect that Baillie had failed to appear and prosecute on the appointed day. The protest is admitted.

Holyrood-house, 9th Dece ber.

Sederunt—Ut in die predicto.

Sheriffship of Dumbarton and Bailiary of the Dukedom of Lennox and Earldom of Darnley transferred to Ludovic, Duke of Lennox, and his tutor, the Earl of March.

Johnne, Earl of Montrois, who had been "constitute be our Soverane Lordes commissioun ane shereff of Dumbartane and baillie of the dukrie of Lennox and erledome of Dernely, and havand commandiment of the manrent of all and sindrie his Hienes lieges inhabitantes of the said dukrie and erledome and of the baronie and cietie of Glasgow," has now "voluntarlie and benevolentlie" demitted these honours, "seing the noble and michtie Lord Lewes, now Duke of Lennox, is now becum in this realme, and sesit and enterit in the said duikrie and erledome, with all honouris, offices and possessiones quhilkis pertenit to his umquhile fader, now resting with God, and Robert, Erll of Marche, his greit-uncle and lauchfull tutour, in his name, be thameselffes and his deputtes, may bruke and enjoy the saides offices and manrent." Therefore proclamation of the premisses is ordered at the market cross of Glasgow, charging the inha- Fol. 73, b.

Acta 1581–85. bitants of the said dukery, earldom, barony, and city, to obey the said Duke of Lennox and his tutor in the said offices and manrent.

Band of caution for the self-banishment of Douglas of Lochleven.

Registration of a band presented by Mr William Oliphant, as procurator for the parties, whereby caution in £20,000 is given by James Scott of Balwery, David Barclay of Cullerny, William Fairny of that Ilk, and Robert Dury, younger, of that Ilk, for William Douglas of Lochlevin, that he shall depart furth of Scotland, England, and Ireland, within thirty days, "wind and wedder serving," shall not return till the expiry of his licence, and shall do nothing abroad "in hurt or prejudice of his Hienes, his estait, and trew religioun presentlie preachit and be law establessit in this realme." The band is subscribed at Edinburgh and Wotherburn, December 2nd and 8th 1583, before these witnesses: Robert Fairly of Braid, Mr David Carnegy of Colluthy, Mr David Lindsay, minister of Leyth.

Holyrood-house, 12th December.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Jacobus, Dominus de Downe; Thirlstane; Custos Secreti Sigilli; Clericus Registri; Computorum Rotulator.

Allan Weir against Mr George Hacket, Conservator of Scottish privileges in Flanders.

Complaint of Allane Weir in Tethis, as follows:—"Maister George Halket, conservatour of the priveleges of the Scottis natioun in Flanders, hes laitlie, be the moyen of Neill Layng, kepar of his Hienes Signet, and Mr Johnne Layng, his servand, upoun a wrang and sinister narratioun, purchest a gift of the escheit of umquhile George Weir, the said compliners broder, sumtyme ane of the monkes of Melros." The gift has bene obtained through representation that the said George Weir had been concerned in the horrible murder of Regent Lennox, "as ane of the cumpany of the Laird of Bucleuch that last deceissit," and had been "fugitive fra his Majesteis lawes and at the horn thairfoir," the truth being that "the said umquhile George wes nevir at sic a deid, nor yit wes evir in the service and cumpanie of the said Lard of Buclewch, nather yit wes he ony maner of way fugitive or at the horne for the samyn, bot deid at his Majesteis peax, as his Hienes fre and gude subject, as is notourlie knawin." Nevertheles, as he had died in Flanders and left behind "certane obligationes and ressonable quantitie of guides," the said Mr George Halket intends, "under pretext of the said pretendit gift of escheit," to seize "the haill thing pertening to him, the said George, being in thai partes," and this though the said gift of escheat had, in the first place, been passed without the sight of any letters executed against the said George Weir, and, in
Fol. 74, a. the second place, had not yet been sent to Flanders, but remained still "in the handes of the said Neill Layng and Mr Johnne Layng," Halket's procurators and agents.—Parties having been summoned, and Allan Weir appearing personally, and Mr Johnne Layng appearing for himself and in name of Neill Layng, and declaring that "the said gift of escheit wes alreadie direct be him to the said Mr George to the partes of Flanders,"

the Lords, after hearing parties, forbid Mr George Halket, under pain of rebellion, to intromit with any goods and sums specified in the said gift of escheat, till the letters of horning upon which it was passed have been produced before the Lords of Council and Session, and declared by them to have been lawfully and orderly executed. Acta 1581-85

Edinburgh, 12th December.

Caution for the Prior of Coldingham and David Hume.

Caution in £10,000, by Alexander, Lord Hume, Andro, Commendator of Jedburgh, Alexander Erskin of Gogar, Captain of Edinburgh Castle, and Alexander Hume of Manderstoun, for Alexander, Prior of Coldinghame, and David Home of Cranschankis, that they shall not "offer ony kynd of injurie" to Francis, Earl Bothuele, "unto the tent day of Maii nix to cum." Fol. 77, a.

John Anstruther of that Ilk against the people of Crail.

Complaint of Johnne Anstruther of that Ilk, as follows:—On the 24th of August last, "at aucht houris at evin," Thomas Martin and James Annand, bailies of Crail, and Thomas Davidsoun, Thomas Bane, Thomas Blair, Johnne Dingwall, Williame Corstorphin, younger, Arthoure Gray, Patrik Martin, Johnne Dickesoun, Andro Daw, Williame Daw, James Daw, and Johnne Reid, all of Craill, and George Corstorphin, Johnne Patersoun, James Davidsoun, Johnne Kay, David Kay, Williame Mortoun, Robert Mortoun, Andro Daw, Williame Annand, Andro Martin, all of the Nethirgait, and Johnne Johnstoun and Edward Spens, "with thair complices, almaist the haill communitie of the said burgh of Craill, to the nowmer of twa hundreth personis or thairby," had come, armed with firearms and other weapons, to the complainer's place of Wolmestoun, the same being "soberlie gairdit," and "the said compliner and his familie being in Sanctandrois attending upoun the Kingis Majesteis service," and had there "cryed loud to the compliners servandis being thairin, 'Gif owir the hous,' and schorit to sett the yettis thairof in fire, and, perceaving thai culd get na interes, in maist malicious and wickit maner fillit up the stankis with erd, pluckit up the haill asches that he had laitlie plantit and uther young growth thairabout, caist down the newfauld dyke afoir the yett, and in maist barbarous maner, not satisfeit with the distructioun of the said complineris polecy as said is, maist furiuslie ran upoun ane woman servand of his, standing outwith the yettis, and gaif hir divers greit straikis on hir body, quhairof scho lyis bedfast in perrell of hir lyfe."—The said Thomas Martin, Johnne Dingwell, Williame Corstorphin, Johnne Dickesoun, Andro Daw, David Key, Andro Martine, Robert Mortoun, and Williame Annand, having appeared for themselves and for the others who had been summoned, and having confessed "the douncasting of the said dyke be thame, becaus the samin wes biggit within the boundis pertening to thame in commoun, as thai allegeit," the Lords ordain the defenders, under pain of rebellion, to rebuild the dyke in its former condition, on or before the 10th of March next, to the satisfaction of Sir Robert Melvile of Murdocairny and Mortoun of Cammo, without prejudice to the rights of either party to the ground, as they may be tried before the judges competent. Fol. 77, b.

Acta 1581–85.

Sederunt—Ut in die predicto.

Holyrood-house, 13th December.

Fol. 74, a. "The quhilk day Johnne Dury, ane of the ministers of Edinburgh, being personalie present befoir the Kingis Majestie and Lordes of his Secrete Counsell, Maister James Lawsoun, minister of Edinburgh, being alsua present, as requirit be his Hienes, to be witnes to that quhilk wes to be now proponit to the said Johnne, and answers to be gevin be him thairto, his Majestie declarit to the said Johnne how, in his sermones maid this oulk, be hes transgressit the commandiment of his Hienes late Act maid and subscrivit be his Majestie and his nobilitie convenit upoun the sevint day of December instant [*ante*, p. 614], publishit and proclamit at the mercat croce of Edinburgh upoun the nynt day of this same moneth, be allowing of the fact of the surprise and restraint of his Hienes persoun perpetrat in August now bygane a yeir, and sequele thairof, being in itself a cryme of lese-majestie and of maist pernicious exemple, as wes instantlie verifiit be divers of his Hienes nobilitie and counsell that wer present and hard the saides sermones, efter that the said Act wes publictlie red be his Hienes commandiment; and, the said Johnnis answers hard and understand in presence of his Hienes and his said Secrete Counsell, and als in presence of the said Mr James Lawsoun, and the said Johnne, being requirit to schaw his mynd anent the said Act, allowed and approved the same and all the pointes and clauses mentionat thairin. The Lordes of Secret Counsall thairfoir, in respect of the premissis, findis and decernes that the said Johnne Dury hes transgressit the command of the said Act, proclamit as said is, and aucht to be puneishit thairfore at our Soverane Lordes will: quhilk his Hienes supersedes to declair quhill he be further advisit."

John Durie, minister of Edinburgh, found guilty of having transgressed the late Act of Estates by defending the Raid of Ruthven in his sermons.

Sederunt—Ut in die predicto.

Holyrood-house, 14th December.

For the good service done to the King by William Stewart, writer, burgess of Edinburgh, the infeftment, charter and seisin of the lands of Thuristoun, fallen into the King's hands by the forfeiture of the late James, Earl of Mortoun, and James Douglas, his son natural, are ratified to the said William, and expressly excepted from the late Act of Revocation [see Acts of Parl. 1581, c. 87, iii. 272].

Gift to William Stewart, writer, confirmed.

Fol. 74, b.

Sederunt—Ut in die predicto.

Holyrood-house, 17th December.

Supplication of Williame Cunynghame of Caprintoun, as follows:—On several decrees he had obtained from the Lords of Session against James Dumbar of Cumnok, sheriff of Murray, the said James had been denounced rebel and put to the horn; "quhairupoun his escheit being disponit, Williame Creichtoun, tutour of Sanquhair, be previe meanes betuix him and the said James, and speciallie be simulat assignationes maid be the said James to the said Williame of the kirk of Cumnok, personage and vicar-

Supplication of William Cunningham of Caprington, with decision of a subtle question respecting letters of horning.

age thairof, maid impediment to the said Williame Cunynghame to uplift the deweteis of the samyn." Action having been moved before the Lords of Council by the parishioners of the said kirk to have it determined whether the complainer or Creichtoun had the right to the duties, "all the said Williame Creichtones allegeances, consavit upoun his said simulat assignationes, wer repellit;" which had led to the new procedure on Creichtoun's part now complained of. This consisted in challenging the original letters of horning against Dumbar, on the ground that they "wer not dewlie registrat"—having been registered on the 17th of February 1579, and so neither within fifteen days, as required by the Act of Parliament passed at Edinburgh on 10th Nov. 1579 anent the registration of hornings [Acts of Parl. 1579, c. 13, iii. 142, 143], nor yet within fifteen days after the publication of that Act, as ordered by an Act of Council of January 24, 1579: the proclamation not having been made at the market cross of Ayr ("quhilk is the heid burgh of the schire quhair the said James Dunbar dwelt") till the 28th of February 1579. By this plea the complainer's process had been stopped for the time, "albeit in veritie the saidis letters of horning wer registrat in verie dew tyme." For, by the said act of Council, "the rigour of the said Act of Parliament was relaxt," so that the lieges "sould not be burdynnit thairwith" till the publication of it directed by the Act of Council; and the complainant, as soon as he had been cognisant of that act of Council, had shown his diligence by causing the letters of horning to be registered in the sheriff's books, without waiting for that "forder publication" of the Act of Parliament which it directed, "estemand of verie gude reasoun that be his preventioun of the said publicatioun he sould be in better caice nor utheris quha abaid the samyn, seing that quhilk is done befoir the tyme for obedience of the law sould, in all respectes, be mair proffitable nor that quhilk is done thairefter." The sole purpose of publication of either Act was that it might be known who were rebels, and the said James's rebellion having been "sufficientlie knawin be the said horning registrat befoir the publicatioun of the said Act of Secreit Counsall," it would have been "bot vane and superfluus labour to have reiterat the said registratioun, quhilk wes anys perfite, evir abyding in the register." Nor can it possibly be thought that the King, Parliament, and Council "wer of mynd that hoirningis registrat befoir the last publicatioun sould be registrat thairefter, and specialie the hoirningis registrat betuix the said Act of Secret Counsall and publicatioun following thairupoun." The petition therefore is for the King and Council to "gif thair declaratioun upoun the trew meaning of the said Act of Secreit Counsale, and to notifie the samyn to the Lordes of Counsale and Sessioun, that it may be a rewle to thame to proceid in this and the like causes in tyme cuming."—The petition seems abundantly reasonable to the King and Council; for, "considering that his Hienes may be enormelie hurt in the richt of the escheit of rebelles denuncit efter the said Act of Parliament and befoir the publicatioun of the said Act of Secret Counsale, and his Majesteis subjectes may be in

Acta 1581–85.

Acta 1581–85. gret hazard throw the intromissioun with the saides escheittes, gif the said act be swa captiouslie interpreit aganes thame in favouris of his Hienes rebelles," and considering that the whole question turns on the interpretation of an act of Council, and that the Council, "as makars of the said Act," are its proper interpreters, they now declare that registrations made of processes of horning at any time between the voting of the said act in Council and the publication which it directed "ar and salbe in als gude caice, and estemit als dewlie and lauchfullie registrat, as gif the samyn had bene registrat within xv dayes efter the said publicatioun, and that it wes nevir meanit be the said Act of Counsale that the hoirningis dewlie registrat efter the dait thairof and befoir the publicatioun at the mercat croces of the schir sould be of new registrat, seing that be the first registratioun the effect of the law wes fulfullit be preventioun of the terme; quhilk, as it prejudges nocht his Hienes, swa can it import na hurt to onie partie." They ordain this present declaration to be made public to all judges, for their guidance.

Edinburgh, 20th December. Caution for John Bellenden.

Caution in £1000, by William Callendar, younger, of Bancloich, for Johnne Bellenden, servant of the justice-clerk, that, when released, he shall quit Edinburgh, and remain ten miles distant from the King's residence.

Holyrood-house, 20th December. Band of caution for the self-banishment of the Abbot of Cambuskenneth.

Fol. 75, a. Registration by Mr Johnne Prestoun, younger, as procurator for the parties, of a band of caution in £10,000, by Patrik, Lord Drummond, Robert Drummond of Carnok, David, Commendator of Dryburgh, and Robert Erskin, fiar of Down, for Adame, Commendator of Cambuskynneth, that he shall depart the realms of Scotland, England, and Ireland within thirty days from this date, not to return without licence or till the expiry of his Fol. 75, b. present licence, and that during his absence he shall do nothing "in hurt or prejudice of his Hienes, his estait, and trew religioun." The band is subscribed on December 3, 1583, before these witnesses: Robert Colvile of Cleishe, Mr Johnne Colvill, chantor of Glasgow, and Hew Armestrang.[1]

Fol. 75, a. *Sederunt*—Ut in die predicto.

Holyrood-house, 21st December. Complaint of Agnes Turnbull, widow, against a number of Turnbulls.

Complaint by Agnes Turnebill, relict of the late Walter Turnebill of Rawflat, as follows:—"At Michaelmas last bipast, David Turnebill in Belsis, George, Johnne, and Adam Turnebillis, his brether thair, and Thomas Turnebill of Bullerwall, come be way of hamesuckin, bodin in armes and weirlike maner, to the said Walters dwelling place of Rawflatt, and thair maist cruellie and unmercifullie murdreist and slew him foiranent his awin dur, upoun sett purpois, provisioun, auld feid and forthocht felony; like as, upoun the xxii day of November instant, Johnne Turnebill of Mynto, David Trumbill of the Cronyhill, Walter Turnebill of Bewlie, Robert, William, Mark, and Andro Turnebillis, his sonnes, bodin in armes,

[1] Adam Erskine, Abbot of Cambuskenneth, Privy Councillor since 1572, had been one of the chiefs of the Revolution of the Ruthven Raid. Hence his disgrace now.

with hagbuttes and pistolettis, come to the said Agnes said dwelling place of Rawflat, quhairin she and hir puir bairnes wes in peaceable and quiet maner for the tyme, and thair maist treasounablie kast fire to the yettis thairof, enterit thairin perforce, and maist cruellie and unmercifullie schot hagbuttes and pistolettis amang hir and hir bairnes, and spuilyeit and awaytuke hir haill guides, geir, plenissing of hir houssis, hors, cattell, and sic guides, estimat worth five hundreth merkis, and schot hirself and hir four faderles bairnes furth at the yettis of the samyn, and hes sittin down in hir houssis, and is presentlie threschen out hir haill coirnes being in hir barneyard, estimat worth uther five hundreth merkes."—Johnne Turnebill of Mynto, Andro Turnebill in Cronyhill, Walter Turnebill in Bewlie, and Robert, William, Mark, and Andro Turnebillis, his sons, having been summoned to answer, under pain of rebellion, and Turnebill of Mynto and Turnebill of Bewlie appearing personally, and the said Agnes being also present, but Turnebill of Cronyhill having failed to appear, the Lords order the last to be denounced rebel. Acta 1581–85.

Caution for Douglas of Lochleven.

Caution in £2000, by James, Lord of Downe, for William Douglas of Lochlevin, that he shall quietly repair from Berwikshire to Fyffeshire, and remain there till he find "convenient schipping to depairt furth of this realme" on or before the 20th of January next [see *ante*, p. 615]. Fol. 75, b.

Edinburgh, 22nd December.

Caution for Walter Turnbull of Bewly.

Caution in 1000 merks, by Robert Ker of Ancrum, and William Ker, his son and apparent heir, for Walter Turnebill of Bewlie, that Agnes Turnebill, relict of Turnebill of Rawflat, her tenents and servants, shall be harmless, in their persons, lands and goods, of the said Walter, and of his sons, Robert, Williame, Mark, and Andro: Johnne Andro subscribing the band for Walter Turnebill, "becaus I can not wret." Fol. 75, a.

Caution for John Turnbull of Minto.

Caution to the same effect, in the same sum, by the same sureties, for Johnne Turnebill of Mynto, Johnne Andro subscribing for him also because he can not write.

Holyrood-house, 23rd December.

Sederunt—Colinus, Comes Ergadie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Jacobus, Comes de Glencairne; Jacobus, Dominus de Downe; Dominus de Thirlstane; Commendatarius de Culros; Clericus Registri; Segye;[1] Computorum Rotulator; Murdocairny. Fol. 75, b.

Act of grace towards Douglas of Lochleven's family "in his absens."

His Majesty, continuing in his disposition of clemency towards offenders

[1] James Meldrum, Laird of Seggie in Fife, and one of the Lords of Session, whose advent into the Privy Council is thus formally noted for the first time, had been present in the late Convention of Estates on the 7th of this month (see *ante*, p. 613). As early as July 1583, however, or immediately after the counter-revolution of St Andrews, Calderwood notes him as being one of those who had begun to "rule the Court" in that interest (Calderwood, Appendix viii. 250). He figures henceforward in the sederunts of Council as "Segie"

Acta 1581-85. who have submitted and given surety, ordains, with advice of his Council, that William Douglas of Lochlevin, by himself, his wife, bairns, servants, and factors, shall peaceably enjoy his lands and goods fallen to the King by escheat through his horning for his non-entry in ward, notwithstanding any disposition made thereof to any other person; and "His Majestie will ratefie and appreve the premissis in his nixt Parliament, and allow and admit the samyn be the Lordes of his Counsell and Chekker in the meantyme."

"Answeris gevin be the Bordourares undersubscrivand to certane questiones proponit to thame be James, Lord of Downe.

Report of answers by the Borderers to some questions of Border Law and Custom.

A persoun fylit bakbillaud and cravand a warden court to be sett upoun his perrell, and being acquitt, the first awowar, to our jugment and for ocht that we have sene, may nevir seke to have that bill fylit of new before the wardane; bot the same wardanes handes is closit, and he hes done his dewetie and forder is not astrictit in this caus; and yit, for our opinioun, we think that the Kingis Majestie and Counsell may tak forder tryell in the mater, be all the lauchfull meanys may be, quhairthrow the persones quhatsumevir foull of the bill may be triit and maid answerable thairfoir as appertenes.

A persoun fylit in ane bill at ane day of trew being personalie present, and cravand, be reasoun of deidlie feid betuix him and the opposite warden, that the wardanes officiar may be enterit for releif of the bill,—quhilk is done, and at the same tyme, befoir thai depart af the ground, promeis or cautioun is fund be the fylit persoun to the warden that he sall pay the bill and releif the officiar,—the same fylit persoun may immediatlie thairefter crave and have a warden court sett for his releif of the same bill, to be had of the avowares; lyke as the same ordour is to be observit to ane persoun fylit for not comperance, the like promeis or cautioun being alsua fund be him for payment of the bill and releif of the wardanes officiar: without the quhilk promeis or cautioun to be fund as said is na wardane court to be sett.

Fol. 76, a. The avowar aucht to pay the bill and the expenses of the wardanes officiar during his remaning in England, becaus he failyeit in proving of the first fylit persoun foull of new of the same bill.

It is certane that a persoun anys billit, being acquit owthir be assyis or his awin ayth, may, notwithstanding, be billit of new, gif the persewar can owther find ane bettir assyis or ane avowar to fyle; bot, in the secound instance, the ordour abonewrittin, to our jugement and for ocht that we have seene, is to be observit.

Thir answers, we testifie, wes alsua aggreit unto and gevin be the uthers persones quhilkes wer present specialie nominat in the uther tickit gevin to us. Be thir presentis, subscrivit with our handes at Edinburgh the xxii day of December 1583: Sic subscribitur:—Johnne Stewart of Tracquair. Alexander Hume of Manderstoun."

Dispute between John Hume and Ker of Cesfurd, warden of the Middle March.

In the matter of a complaint made by Johnne Hume, son of Johnne Hume of Crumstane, as follows:—In July last "he, having at a day trew halden at Reddenburne fylit Walter and Thomas Turnebilles, sonnes to Thomas Turnebull of Bedroule, knycht, in a bill of Edward Grayes, Engliseman, causit lauchfullie arreist thame to ane uther day trew, haldin be William Ker of Cesfuird, warden of the Middle Marche of this realme, and the opposit warden of England, at Reddenburne upoun the xxi day of August thairefter." On that day the two Turnebills had come to the said place in the company of Ker of Cesfuird; "and, in respect of the neirnes of kin with him, and of the mantenance that he takes of thame at all tymes, and for eschewing of the danger that thai micht incur in cais thai had bene delivered to the opposite warden, as thai aucht to have bene, he directit thame bak agane to the toun of Kelso, and in the meantyme, allegeand that he culd not apprehend thame within his boundes, excusit thair absence to the said opposite warden, and enterit Johnne Kirktoun, his officiar, to him in thair place, tending thairby to caus the saidis persones, his kynnismen fylit of the said bill, to evaid puneisement, and to put the said compliner, being a trew gentleman, in danger thairof for thair thift" [*cf. ante*, p. 562]. Further, the said Ker, "for releif of the said officiar and of the saides Walter and Thomas Turnebilles," had appointed a warden court at Kelso on the 6th of December last, "to the quhilk he causit arreist the said compliner and thame; like as the said compliner, be vertew of his Hienes said wardens precept, causit summond ane sufficient nowmer of inqueist, viz., xiii persones duelland in Teviotdaill and nyne in the Mers, quhilkis wer leist suspect persones and best knew the veritie in the said mater, to pas upoun the acquittance thairof conforme to the ordour." All parties being present at Kelso, "the samyn persones of inqueist, upoun maist licht caussis and frivole objectiones proponit be the saides Walter and Thomas Turnebilles, without qualefeing of onie deidlie feid, wer sett and declynit, except the persones quha, being admittit and sworne, fylit the saides Walter and Thomas Turnebillis in the said bill according to the lawes of the Marches and prectikkes observit in sic caissis, quhilk providis that, in cais ony persoun fylit of a bill be fylit be the mouth of ane of the inqueist (albeit all the rest quite him thairof), the samin is sufficient without onie forder." Nevertheless, the warden, "takand the mantenance and defence of the saides Walter and Thomas Turnebillis, quha and he ar secundes and thriddes of kin," although the complainer "producit letters of hoirning and captioun aganes thame in judgement," has not only continued to entertain them in his company, "bot als intendes, maist partiallie, to evert justice, and in thair favour to proceid in the said mater, albeit he can na wayes be judge competent thairintill, and swa to saif thame fra the danger of the said bill and to lay the burding thairof upoun the said compliner, that hes maist justlie fylit the samyn."—Parties having appeared as summoned, to hear the dispute decided by the Council, and the warden, Ker of Cesfurd, having produced, as requested, the whole process led in the said matter, together with the

Acta 1581-85.

Acta 1581–85. depositions of the said persons of inquest, the Lords, after considering the same, "togidder with the opiniones and judgementis in this cas of certane of the maist discreit and ancient Bordorares" [see last entry], find the whole process deduced by the warden in maner foresaid to have been duly and lawfully used and executed according to the laws of the Borders," and that na forder can nor aucht to be proceidit be him tueching the forder triell of the said bill." At the same time, "willing to have the samyn triit and the persoun found foull in deid to be maid answerable thairfore, and for this purpose following the advise of the saides Bordorares," the King and Council assign the 12th of January next to the said Johnne Hume "to produce sic wrettes, witnessis, and probatioun, as he will use for preving of the saides Walter and Thomas Turnebilles fouleworthie of the said bill," but no such proof to be admitted then or afterwards "except the said bill be first satisfiit and pait be the said Johnne Hume, and his Hienes said warden and officiar relevit, and the samyn officiares libertie
Fol. 76, b. simpliciter procurit." Meanwhile, as the said Johnne Hume has found caution to do as required by the 10th of January next, the Warden is to release him from his present ward within 24 hours after being charged.

Caution for the two Turnbulls.

Caution in £1000, by William Ker of Cesfurd, warden of the Middle Marches, for the entry of the said Walter and Thomas Turnebillis upon 12th January next, for the relief of the said Johnne Home, "in cais thai salbe found and declarit to be fouleworthie of the said bill," a promise being made to them that they shall not be tried while in ward for any other crimes committed by them.

Caution for John Hume.

Caution in £1000, by Robert Ker of Ancrum, and William Ker, his son and heir, for the said Johnne Hume, that he shall pay the said bill, and the expenses of the said officer lying in England, and procure his liberty.

Sederunt—Ut in die predicto.

Holyrood-house, 24th December.

Caution for the Abbot of Paisley.

Registration by Robert Foulis, procurator for the parties, of a band of caution in £10,000 by Johnne Erskin of Downe, James Striveling of Keir, and Johnne Murray of Tulibardin, for William Erskin, Commendator of Paislay, that, when released from the castle of Downe in Menteith, he shall within three days afterwards enter in ward within the bounds of Renfrewshire, and remain there till set free. The band is subscribed at Sterling, December 23, 1583, before these witnesses: Robert Foulis, brother of the Laird of Colingtoun, Johnne Diksoun, and William Watersoun.

Act for recalling and recoining worn-out small coins.

Act ordaining the worn out "12 ₰. peces, babeis, and awld plakis," and the "thre pennie grottis and half plackes," to be called in by the 1st of July next, "and thairof new money to be cunyeit of thre pennie fyne, in grottes at aucht penneis the pece and hawlf grottes at iiii ₰. with tua

granes of remeid of fynes alsweill abone as under." [Ratified by Act of Parliament, 1584, c. 28, iii. 310.] Acta 1581–8

Sederunt—[not recorded]. Fol. 77, b.

Holyrood-house, 4th January.

Order annulling all licences to transport goods duty free.

The King and Council "considering how his Hienes custumes ar set in tak and assedatioun to the burrowis for certane yeirlie dewitie, quhilk is like to be greitlie diminischit, to his Hienes hurt and prejudice, be ressoun of divers licencis laitlie purchest of his Majestie for transporting of victuellis and utheris forbodin gudis custome frie," this order discharges the customers from granting cockets for exporting victuals or forbidden goods till the full custom thereon has been paid, all licences to the contrary to be null, and masters of ships and owners of the forbidden goods to be liable for disobedience.

Sederunt—[not recorded].

Holyrood-house, 21st January.

Solan geese on the Bass Rock.

The King and his Council understanding that, "be the speciall benefite and provisioun of God," solan geese and other profitable fowls haunt the Isle of the Bas, bringing forth their young there in great quantity, "and almaist in na uther pairt of this cuntrie," greatly to the "commoditie of the haill subjectis of this realme duelland nixt adjacent thairto," commission is given to Mr George Lawder of Bas, and his successors, lairds of Bas, assisted by the bailies of Dumbar or other judges appointed by the said lairds, to prevent the slaughter of the said birds by mariners "be casting of nettes and huikis with bait and burris to draw and alluir the auld solane geise to the boittis" or in any other way. [This ordinance is quoted in full and ratified in Acts of Parliament 1592, c. 140, iii. 614.]

Holyrood-house, 23rd January.

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie, Cancellarius; Joannes, Comes de Montrois; David, Comes de Crawfurd; Joannes, Comes de Mortoun; Jacobus, Dominus de Downe; Thirlstane; Commendatarius de Pettinweme; Commendatarius de Culros; Clericus Registri; Computorum Rotulator; Prior de Blantyir; Caprintoun; Prepositus de Dundy; Murdocairny. Fol. 78, a.

Banishment of the two natural sons of the late Regent Morton, and of four others.

Order that James Douglas and Archibald Dowglas, bastard sons of the late James, sometime Earl of Mortoun, James Dowglas and George Dowglas, sons of George Dowglas of Parkheid, Johnne Carmichaell, younger, of that Ilk, and James Scrymgeour of Dudope, constable of Dundie, depart furth of Scotland, Ingland, and Irland, within one month after being charged, and refrain in the meantime from coming within ten miles of the King, under pain of treason.

Charge to Douglas of Mains.

Charge to Malcome Dowglas of Manys to remain within Dumbartaneshire till relieved, under pain of treason.

Acta 1581–85. Caution in 500 merks by Neill Montgomerie of Langschaw for Robert Boyd of Clerklandis and James Montgomerie of Colkilvie, that Johnne Allane, burgess of Edinburgh, his wife, bairns, and servants, shall be harmless of them, in their bodies, lands, and goods. Caution for Robert Boyd and James Montgomerie.

Sederunt—Ut in die predicto.

Supplication of Dame Margaret Balfoure of Burlie, and Michaell Balfour, her son and apparent heir, for themselves and for the other children of Holyrood-house, 24th January.
Fol. 78, b. the late Sir James Balfoure of Pittindreich, to the effect that a signature subscribed by the King and most of his Council (viz., Huntlie, Rothes, Montrois, Seytoun, Pittinweme, Thirlstane, Clerk Register, Comptroller, and Sir Robert Melvile), at Halieruidhous, December 21, 1583,—declaring that the sentence of forfeiture, passed upon Sir James in the Parliament of 1571, for his conduct in the previous troubles and for his alleged concern in the murder of the King's father, had been reduced in the Parliament of 1573, and that he had remained a loyal subject thereafter to his decease, so that his children and posterity were entitled to succeed to his lands,[1]—should be now, to that end, pronounced to have been "justlie and ordourlie grantit," and that an Act should be made ordaining the same to
Fol. 79, a. pass the seals. Accordingly, the King and Council, in respect of the special benefit of Pacification granted to the said Sir James Balfoure in 1573, with the patent letter of protection and safeguard following thereupon [*ante*, p. 461], and being shown, moreover, "the autentik attestationis and testimoniallis of umquhile James, Erll of Murray, and of ane greit pairt of the nobilitie of the realme, best affectionat to the puneisment of the maist cruell and horrible murthour of his Majesties umquhile derrest fader," do now declare the said signature to have been "justlie and ordourlie grantit," and ordain the same to pass the seals, thus ratifying the restitution of the lands of the late Sir James to Lady Burlie and her children.[2] Act in favour of Margaret Balfour, Lady Burleigh, and her children.

Dissent and protest against this Act by Johnne, Earl of Mortoun, the Prior of Blantyir, and the Laird of Caprintoun.

Sederunt—Colinus, Comes Ergadie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Jacobus, Dominus de Downe; Commendatarius de Newbottill; Commendatarius de Pittinweme; Commendatarius de Culros; Computorum Rotulator; Clericus Registri; Thirlstane; Murdocairny; Prior de Blantyir; Segy; Caprintoun. Holyrood-house, 31st January.

Order to denounce Williame Scot and Philip Scot, brothers of Scot of Order to denounce thirteen Borderers.

[1] The signature is engrossed in the Register.

[2] The Acts of Parliament for 1571 and 1573 being incomplete, neither the Act of Forfeiture against Sir James Balfour in 1571 nor that reducing the Forfeiture in 1573 is to be found there; but this present Act of Council received subsequent ratification from Parliament: Acts 1584, c. 44, 1585, c. 55, and 1587, c. 99, iii. pp. 319, 413, 493.—The death of the celebrated Sir James Balfour (see *ante*, pp. 403, 461, 514) had happened shortly before the date of this present minute.

Hassinden, Adie Turnbull in Hassinden, called Reid Adie, Johnne Vetche there, Johnne Johnstoun and Johnne Thomsoun, servants to Wat Scot of Eidschaw, Hew Dowglas in Houstoun, Mathew Douglas there, Margaret Schevill, Nicke Hall, Thome Reid, Margaret Halden, and , for not having appeared as charged to give evidence "tueching the tryell of ane bill of Edward Grayis, Inglisman, fylit upoun Wat Turnbull and Thomas Turnbullis, sonis to Sir Thomas Turnbull of Beddroule" [see *ante*, p. 622]. Acta 1581–83, Fol. 79, b.

To denounce Thomas Pringle.

Order to denounce Thomas Pringle in Halden for not having appeared as charged to answer "sic thingis as sould have bene inquirit of him at his cumming for satisfactioun of his Hienes mynd and knauledge of the treuth."

Act for facilitating the former Act for bringing in the worn-out coins.

As, notwithstanding the late proclamation calling in the 12d. pieces, babees, and placks, with the 3d. groats and half placks, to be coined into new money, viz., 8d. and 4d. pieces [*ante*, p. 623], "few or nane of the saidis pecis ar lykelie to be inbrocht to the said cunyiehous sa lang as thai salbe sufferit to have cours, or that his Majesteis liegis sall not ressave sum commoditie be the inbringing of the samin," the master cunyeor is commanded to use his diligence in inbringing and exchanging the foresaid pieces, delivering 12d. more than had been agreed upon in the contract between him and his Majesty, "comptand for everie unce of utter fyne sylver of the saidis coins."

Banishment of the Earl of Mar and the Master of Glammis.

Charge to Johnne, Earl of Mar, and Mr Thomas Lyoun of Balduky, Master of Glammis, to depart furth of Scotland, England, and Ireland, as soon as possible after having been commanded, under pain of treason.[1]

Decree against Cranstoun of that Ilk.

Johnne Cranstoun of that Ilk declared to have incurred the penalty of £2000 for not entering, according to his act of caution, Walter Turnbull and Thomas Turnbull, sons of Sir Thomas Turnbull of Beddroull.

Edinburgh, 5th February.

Sederunt—Ut in die predicto. Fol. 80, a.

New regulations for Exchequer and Council business.

His Majesty, "finding the greit skaith and inconvenient quhilk his Hienes hes, throw the non-payment of his rentis," and also "throw the want of a gude ordour in the nowmer of his officaris and servandis in his houshald and estait," has, with advice of his Council, made the following regulations:—

[1.] "His chekker to convene and sit for ordour-taiking in the premissis," and some of the chiefs of his nobility and Privy Council, who have been constituted auditors in the exchequer, "to await thairon, with his Hienes ordinar officiaris and utheris of his sessioun," sitting upon the days appointed till "a solide ordour be tane and concludit in the premissis;" the noblemen to "be present at the advising and resolving of all materis and

[1] These were two of the chiefs of the Raid of Ruthven (see *ante*, p. 507, footnote).

Acta 1581-85. questiounis importing ony doubt or consequence, and the ordinar officiaris to utheris to heir ordinar comptis."

[2.] "Everie ane of his ordinar officiaris, ressaveris of his rentis, namelie his thesaurar, comptrollar, and collectour-generall, to attend every ane of thame to the charge of his awin, and to all giftis and dispositionis passing his Majesteis handis and subscriptioun belanging to ilkane of thair offices respective, quhairunto na uther subscriptioun salbe neidfull heirefter, sauffing his Majesteis awin and of that officiar unto quhais office propirlie appertenis"; any signature or precept otherwise passed to be null.

[3.] His Majesty himself, with any two of his Council present with him, wherever he may chance to be, "will and may deliver the billis and supplicationis of puir folkis and utheris complenand to his Hienes."

[4.] "Wednisday oulkie in the eftirnone" to be the time for hearing and discussing matters on which parties are warned to appear, and parties to be "warnit to compeir upoun a Wednisday, that thai sall not be trublit with unnecessar attendence onie utherwayis."

[5.] For better order in the Council House, "the maser to stand outwith the dur, and onlie ane clerk of Counsall, with the secretar and maister of requeistis deputis, to tarie within the counsalhous the tyme of the sitting thairof, according to the Act of Parliament, quhilk his Hienes ordainis to be observit and kepit heirefter" [Acts of Parl., 1581, c. 38, iii. 228].

John Paterson against Cuthbert Cunningham, provost of the college kirk of Dumbarton.

Complaint of Johnne Patersoun, a blind man, in the Castle of Dumbartane, to the effect that, though "he is lauchfullie provydit, be presentatioun of his Hienes umquhile derrest cousing, Esme, Duke of Levenox, patroun of the hospitall of the college kirk of Dumbartane, to ane beidmanschip of the said college kirk, vaicand be the deceis of umquhile Jonet Cuik, last possessour thairof," yet Cuthbert Cunninghame, provost of the said college kirk, to whom the said presentation was directed, "refuissis, postponis, and deferris" to fulfil the same unless compelled [*cf. ante*, p. 491]. Charge having been given to Cunningham to appear and answer, and the complainer appearing by Williame Stewart of Caverstoun, and Cunningham appearing personally, the Lords ordain Cunningham to receive the complainer into the beadmanship, within ten days after being charged, under pain of rebellion, and to pay him the rents owing since his presentation, and the further rents "yeirlie and termelie in tyme cuming during his liftyme."

Holyrood-house, 7th February.

New Act for bringing in the small coins.

Fol. 80, b. The final day fixed by the late Act for calling in and recovering the small coins being the 1st of next July [*ante*, p.623 and p. 626], it is understood that "his Hienes proffeit is far hinderit, and his Hienes cunyiehous in a maner constranit to ly ydill," because many defer "the inbringing of the saidis kyndis of allayit money" till the approach of that day. It is now, therefore, ordained, "that the saidis xii d. pecis, babeis, plakis, thrie penny grottis, and half plakis, sall have na maner of cours within the burgh of Edinburgh, quhair his Hienes cunyiehous is situat, nor yit within the

sherefdome of Edinburgh and constabularie of Hadingtoun, quhair his Majesteis subjectis may have the same dewlie interchangit at all tymes, efter day of ." Publication accordingly is to be made at the market cross of Edinburgh and other places needful. Acta 1581-83.

Sederunt—Ut in die predicto.

Holyrood-house, 10th February.

Against feud among those summoned to consult about the state of the Borders.

His Majesty, by advice of his Council, having sent for "sindrie nobilmen, baronis, gentilmen, and utheris his gude subjectis, for the ordering of the trublit state of his Borderis, and utheris his Hienes service," proclamation is ordered at the market cross of Edinburgh, charging the lieges so assembling not to molest or provoke one another during the space of fifteen days hereafter, "under pane of deid."

Caution for Robert Bruce.

Caution in £100, by Robert Hammiltoun of Eglismauchane, for Robert Bruce of Bynnie, younger, that he shall answer upon the 19th February inst. to the complaint of Johnne Ramsay, sometime in Bynny [*ante*, p. 495].

Holyrood-house, 11th February.

Sederunt—Jacobus, Comes de Arrane; Jacobus, Dominus de Downe; Commendatarius de Pittinweme; Caprintoun; Murdocairny; Clericus Registri; Prior de Blantyir; Commendatarius de Newbottill.

New aspect of the case of Walter and Thomas Turnbull and their father, Sir Thomas Turnbull of Bedrule: put to escheat as perjured rebels.

Again in the case of Walter Turnbull in Foultoun, and Thomas Turnbull, sons of Sir Thomas Turnbull of Beddroule [*ante*, pp. 622, 626], but now with fuller recitation of the story, and farther particulars, as follows:—"Being fylit in a bill of Mr Edward Grayis, Inglisman, upoun the avowing of Johnne Home of Crumstane, for the thifteous steiling of nynetene ky and oxin and ane naig furth of Preswen in Ingland, in hervest the yeir of God j^{m}v^{c}lxxxii yeiris, the saidis Walter and Thomas, alledgeand thameselffis to be saikles and innocent of the said bill, obtenit a warden court to be set, and thameselffis acquite thairin: quhairupoun the said Johnne Home wes committit to ward quhill he maid payment of the said bill, and fred and relevit his Hienes and his warden of the Middle Merche thairof. And thairefter, the mater cumming in questioun befoir his Hienes and Lordis of his Secreit Counsale upoun the complaint of the said Johnne Home, and the saidis Walter Turnbull and Thomas Turnbull, and sindrie utheris allegeit to be foull of the said bill, as alsua the said Sir Thomas, all comperand personalie, and being inquirit upoun thair greit aithis, acquite thameselffis of the said bill. Albeit, schortlie thaireftir, it wes cleirlie tryit that thai wer foull and culpable thairof be the confessioun of sindrie of the personis that wer the authouris, havearis, steillaris and resetteris of the saidis gudis; like as the saidis Walter, Thomas, and the said Sir Thomas, thair fader, taikand the cryme upoun thame and confessand thair obstinat and wilfull perjurie, and levand thair souirtie in the pane and unlaw of twa thousand poundis, eschewit and maid thameselffis fugitives, Fol. 81, a.

Acta 1581–85. and thairthrow ar declarit rebellis and put to the horne, and swa all thair moveable gudis fallin and becum in his Majesteis handis: quhilk his Hienes is willing to apply to the releif of the said Johnne Home and Williame Ker of the said bill, coistis and expenssis, sustenit thairthrow for this purpois." The King and Council therefore ordain the treasurer to expede gifts of escheats of the said Sir Thomas, his two sons, and any others denounced for the said crime, or at the horn beyond year and day, to Johnne Home and Williame Ker,—such gifts being gratis and without payment of composition to the treasurer.

Further orders respecting the three fugitive Turnbulls.

Farther, as the said three fugitive Turnbulls "hes drawin thameselffis in the cumpany of utheris thevis and rebellis, intending to continew in thift and oppressioun," proclamation is ordered at the market crosses of Edinburgh, Jedburgh, Selkirk, and Peobles, [1] charging the lieges not to reset or intercommune with them or their accomplices, under pain of being treated as partakers in their wicked deeds; [2] ordaining Williame Ker of Cesfurde, warden of the Middle March, Williame Dowglas of Cavers, sheriff of Roxburgh, and the Magistrates of Jedburgh and other burghs, to apprehend the said thieves and rebels, executing justice upon them or presenting them before the justice principal
Fol. 81, b. in the tolbooth of Edinburgh: immunity from criminal or civil prosecution being guaranteed for any mutilation, slaughter, or fire-raising committed in such pursuit; [3] commanding Sir Thomas Turnbull and his two sons, Walter Scott of Eidschaw, Mungo Bennet of Chesteris, Hectour Lorane of Harwood, and all other keepers of the houses of Beddroull, Foultoun, Litilhoip, Eidschaw, Chesteris, Appotside, to render them for the King's use, under pain of treason; [4] summoning the friends and dependents of the Laird of Beddroull before the Privy Council in February next to underlie such order as shall be given to them "for gude rewll in the cuntrie," under pain of rebellion.

Sederunt—Ut in die predicto.

Holyroodhouse, 12th February.

John Carmichael, captain of Crawford, against a number of Grahams.

Complaint of Johnne Carmichaell of Medoflat, captain of Craufurd, as follows:—In November 1582, "James Grahame of Gillisbie, Johnne Grahame of Dryfe, his broder, Williame Grahame, callit Carnwach, Johnne Stobhill, David Grahame, callit Chipcunt, Adie Grahame, callit of Fentoun, Davie Grahame, his broder, Symmy Grahame of Cumstoun, Geordie Grahame, callit Corthrow, Johnne Grahame, his sone, Pait Grahame of the Ley, Will Grahame, his broder, and Jok Grahame, callit Bordland, with thair complices, commoun and notorious thevis, to the nowmer of twenty personis or thairby, bodin in weirlyke maner, come, under silence of nycht, to the complineris landis of Glenurquhar, pertening to him in heretage, and thair thifteouslie staw, reft and awaytuke fifty ky and oxin pertening to him and his tennentis of the saidis landis, togidder with the haill insicht and plenissing of thair houssis, estimat worth ane

hundreth pundis. Lyke as the saidis personis, to the nowmer and bodin in maner foirsaid, about the fyift day of December thairefter, come to the said complineris landis of Cruikitestane, and thair lay at await in all pairtis of the samin for his slauchter; quhilk cumming in the menetyme to his knawledge, and that thai wer of purpois likuise to steill his gudis and herrie his tennentis, he come to thame upoun the suddane, being singillie accumpanyit with twa or thrie servandis and ane boy, thinking to have saiffit his tennentis and thair gudis: notwithstanding, thai sett upoun him, and cruellie and unmercifully persewit him of his life; hurt and woundit him in the arme, to the effusioun of his blude in greit quantitie; and chasit him and his servandis foure or fyve mylis. And swa, seing thameselffis disapointit of thair wickit interpryis quhilk thai devysit for his slauchter, they come agane within a schort space thairefter to his saidis landis of Cruikstane, and thifteouslie, under silence of nycht, reft and awaytuke furth of the samin fourtie aucht ky and oxin, pertening to him and his tennentis thairof. And the foirsaidis personis, not being content with the formar wrangis, oppressionis and injureis, committit upoun the said compliner and his tennentis, bot continewand in thair thifteous maner of life, come agane upoun the xxiiii day of the said moneth of December, the yeir of God foirsaid, to the said complineris landis of Budhous, and thair, under clude of nycht, thifteouslie sta, reft, and awaytuke fiftie heid of nolt, xvii hors and meiris, fourscoir pundis of sylver furth of a kist, and the haill insicht and plenissing of his tennentis houssis, estimat worth tua hundreth pundis."—The usual charge having been given to the defenders, and they not appearing, while the complainer appears personally, the order is to denounce them rebels. Acta 1581–85

Edinburgh, 13th February.

Caution for James Heriot of Trabroun.

Caution in 3000 merks by Mr Robert Fawsyde, fiar of that Ilk, for James Heriot of Trabroun, that Sir Williame Lawder of Haltoun, Gilbert Lawder of Balbairdeis, Williame, Thomas, and James Lawder, his sons, David Sinclair of Blans, Johnne Hoppringle of the Murrois, and Williame Lawder in Kelso, brother of the said Gilbert, thair wives, bairns, tenants, and servants, shall be harmless of him, in their persons, lands, and goods.

Caution for Robert Scott of Thirlstane.

Caution in £1000, by Johnne Carmichaell of Medoflatt, captain of Craufurd, for Robert Scott of Thirlstane, that Adame Bell of Cruikstoun, and his tenants and servants of the lands of Cruikstoun, shall be harmless of him in their persons, lands, and goods. Fol. 82, a.

Holyrood-house, 14th February.

Sederunt—Ut in die predicto.

Band of caution for Gilbert Lauder of Quhitslaid and his three sons.

Registration by George Lawder, procurator for Gilbert Lauder of Quhitslaid, of a band of caution in 5000 merks by Gilbert Lawder of Quhitslaid, as principal, and Sir Johnne Edmestoun, Williame Cairncroce of Cummislie, David Sinclair of Blans, Henry Halieburtoun of Martoun, as sureties for him, that Alexander Lawder, younger, of Haltoun, Jeane Cok-

Acta 1581-85. burne, his mother, Lawder, his brother, and their sisters, tenants, and servants, shall be harmless, in their persons, lands, and goods, of the said Gilbert Lawder, and Williame, James, and Thomas, his sons [*ante*, p. 630]. The band is subscribed by the said parties at Edinburgh, Cumisly, Martoun, and Ednem, upon 27th January, before these witnesses: Nicholl Cairncroce of Hilslope, Mr Robert Hoppringle, brother of James Hoppringle of Wodhous, Johnne Home of Carralsyd, Walter Ker in Litilnewtoun, Alexander Edmestoun in Ednem, Williame Edmestoun there, Johnne Halyburtoun in Martoun, James Lawder, son of the said Gilbert, Thomas Lawder and Gilbert Lawder, servants to the said Sir Williame, and Mr Williame Frank, notary public.—Deleted by a warrant subscribed by the King and his secretary dated .

Sederunt—Colinus, Comes Ergadie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Jacobus, Comes de Glencairne; Jacobus, Dominus de Down; Thirlstane; Commendatarius de Culros; Caprintoun; Clericus Registri; Murdocairny; Prior de Blantyir; Segy; Master of Requests. Holyrood-house, 17th February.

Charge to Mr Andrew Melville to enter in ward in the Castle of Blackness.

"Forsamekle as Maister Andro Melvile, provest of the New College of Sanctandrois, being callit befoir the Kingis Majestie and Lordis of his Secreit Counsale, and he comperand personalie, wes inquirit upoun certane thingis laid to his charge spokin be him in his sermon maid in the kirk of Sanctandrois upoun the [fifth ?] day of Januar last bypast, offensive and sklanderous to the Kingis Majestie, eftir sindrie allegeances maid be the said Mr Andro for declyning of the judgement, and protestationis tending to the samé effect, at last being inquirit gif a minister speiking in pulpett that quhilk salbe alledgeit to be treasoun aucht to be tryit thairfoir befoir the King in the first instance or not, answerit that, althocht the speitche
Fol. 82, b. wer alledgit to be treasoun, yit the tryell in the first instance aucht not to be befoir the King, bot befoir the Kirk. Quhairupoun his Hienes and his Secrete Counsale findis that his Hienes and not the Kirk is judge in the first instance in caussis of tressoun quhatsumevir; and, in respect of the said Maister Androis proceidingis and behaviour, first declyning his Majesteis judgment, and sua refuising to acknauledge his Hienes royall estait and authoritie, as alsua to object aganis the witnessis summond for the tryell of the said mater, clamyng to the privilege of certane Actis of Parliament and Secreit Counsale concerning the jurisdictioun of the Kirk; quhilkis being producit, red and considerit, wer fund to contene na sic privilege nor libertie grantit to the Kirk to cognosce in materis of tressoun in the first instance as wes allegeit be him: answering alsua maist proudlie, irreverentlie, and contemptuouslie, that the lawis of God, with the lawis and practik observit within this cuntrie, wer pervertit and not observit in this cais; and last, that he had spokin all that he had to say, adherand to his formar protestationis: his Majestie, with avise of the saidis Lordis of

his Secreit Counsale in thir respectis, declaris the said Maister Andro to be worthie to be committit to ward in his Hienes castell of Blaknes, and forder puneist in his persoun and gudis at his Hienes will: Thairfoir, ordanis letters to be direct to the maser of Counsale, or uther officiar of armes, to pas and in his Hienes name and authoritie command and charge the said Maister Andro Melvile to pas and entir his persoun in ward within the said Castell of Blaknes, thairin to remane upoun his awin expenssis during his Hienes will, and ay and quhill he be fred be his Majestie, within ten houris nixt eftir he be chargit thairto, under the pane of rebellioun and putting of him to the horne; and, gif he failyie thairin, the saidis ten houris being bypast, to denunce him his Majesteis rebell and put him to the horne, and to escheit and inbring, etc.; and that ane letter be direct for his ressait in ward within the said castell."[1] Acta 1581–85.

Caution for John Cunningham of Cunninghamhead.

Caution by Alexander Cunninghame of Craiganis for Johnne Cunninghame of Cunninghameheid, that he shall pay to Hew, Earl of Eglintoun, bailie of Cunninghame, "quhatsumevir sowmes of money quhilk he salbe decernit and ordanit to pay be the Lordis of Secreit Counsale, attoure the sowme of vi ℔. xi ß. money of this realme, ellis pait be him for the taxatioun of the xxix merk land and ane half of Polkellie, and of fyve merkis and ane half for the taxatioun of his ten pund land of Perstoun and Dreghorne, togidder with his xx ß. land of Drummoir; quhairupoun the said Johnne hes reportit the said baillies acquittance."

Holyroodhouse, 19th February.

Sederunt—Ut in die predicto.

Revocation of all gifts or dispositions alienating lands that had belonged to Sir Richard Maitland or others of his family.

The King this day, "sittand in counsale," considering, with advice of his Council, that "be all lawis, civill, commoun, and municipall," the right of revocation of gifts and grants "is provydit for remedie of the lesioun of minoris in thair les aige," remembers in particular that "mony landis, greit rentis, revenous, rowmes, and possessionis, sumtyme pertening to Williame Maitland, sumtyme our secretar, James Maitland, his sone, quhairby we and our Croun mycht have bene greitlie enriched, and yit

[1] The story of Andrew Melville's appearance before the Council on Monday, the 11th of February 1583–84, and following days, and of his bold behaviour there, is told in the Autobiography of his nephew, James Melville (Wodrow Society edition, pp. 141–145), and also, more minutely, by Calderwood in his History (iv. 3–18). Calderwood, who gives a copy of the present sentence on Melville in the form in which it was addressed to the King's officers "*per actum Secreti Consilii*," gives also a copy of Melville's Declinator and Defence before the Council. From this it appears that he was accused of treasonable words spoken in a Fast Day Sermon at St Andrews, the text for which was the 4th chapter of Daniel, or "the example of Daniel applying the history of Nebuchadnezzar to his son Belshazzar." Melville denied having used the expressions attributed to him, protested that he had not in that sermon or in any other spoken anything tending to the slander or dishonour of the King's Majesty, and reported and explained what he actually did say.—On the 17th of February the macer duly delivered the present charge to him, as he was dining with a number of his friends in the house of Mr James Lawson, minister of Edinburgh; but, having ten hours of grace, he did not commit himself to Blackness Castle, but escaped to Berwick.

Acta 1581–85. appertening to Sir Ritchard Maitland of Lethingtoun, knycht," have been alienated both from the Crown and from the Maitland family by gifts and infeftments to others. He feels himself not only "enormlie hurt" in his own profit and rents by this, but also "greitlie greved in conscience be the truble that the said Ritchard hes sustenit, being of sa greit aige, havand faythfullie servit our noble progenitouris, oure grandsire, gudsire, guddame, mother, and ourself, being oftentymes employit be thame, and yit in his greit aige continewing in a publict charge, nevir having offended aganis us, or our Croun in ony sort, nather haue bene forfaltit, nather having maid dispositioun of ony of his landis or heretage, quhairby the samin mycht have cumin in our handis or our regentis, or mycht have bene disponit be us or thame." He is also "moved in conscience be the miserable estate of the innocent orphelingis, the said Williames bairnis; and, being naturallie inclyned to clemency and evir accustumat to schaw mercy to the posteritie of the verray grevous offendaris," he now, as he has already revoked generally in Parliament, revokes more expressly with advice of his Council, all dispositions made, and infeftments following thereupon, of the lands belonging to the said Sir Ritchard, held of whatever superior, whereby he and Mr Johnne Maitland of Thirlstane are in any sort hurt, and of all lands belonging to the late Secretary Maitland, or Dame Marie Fleming, his spouse, or to James Maitland, their son, held of the abbeys of
Fol. 83, a. Haddington, Melros, or Dryburgh, or of any other superior; declaring such infeftments, presentations and dispositions, to be null in all tyme coming, notwithstanding any acts made to the contrary,—so that the said Sir Ritchard, Mr Johnne, Dame Marie, James and other bairns of the late Sir William, may possess and enjoy their lands and heritage, as if the same had never been alienated.[1]

[1] At the date of this Act, Sir Richard Maitland of Lethington, so distinguished as a lawyer, diplomatist, and statesman, through the reigns of James V., Mary, and what had passed of the reign of James VI., and remembered in the History of Scottish Literature as also a poet and historian, was in the eighty-eighth year of his age. He had been blind for more than twenty years, but still remained in occasional performance of duty as one of the Lords of Session, arrangements having been made in Court to suit his infirmity. He had not himself taken any dangerous part in the civil commotions attending Queen Mary's downfall and the accession of the infant James VI.; but he had been involved in the consequences of the final adhesion of two of his sons to the cause of Queen Mary in her captivity. The eldest of these, the famous Secretary Maitland of Lethington, the subtlest head of Queen Mary's party and Kirkcaldy's greatest colleague, would have been sent to the scaffold with Kirkcaldy in August 1573, but had avoided that fate by dying in the preceding month by his own hand. By his wife, a daughter of Lord Fleming, he had left the son, James Maitland, mentioned in the present Act. The alienations of the property of the Maitland family mentioned in the Act had happened in Morton's Regency; but, after James had assumed the government himself, and the Duke of Lennox and the Earl of Arran had come into the management of affairs, the fortunes of the Maitlands had turned. Thus, Mr John Maitland, now the eldest surviving son of the venerable Sir Richard, had, though conjoined with his late brother in the movement for Mary (see vol. ii. p. 217), been one of the senators of the College of Justice, along with his father, since April 1581, and was an important man in the Privy Council, with the territorial title of "Thirlstane," at the passing of the present Act. The Act, therefore, may be regarded as the natural consummation of the King's recent kindness to the Maitlands, and as part of the Arran policy. The old knight,

Order to denounce Sir Thomas Turnbull of Bedrule and others.

Order to denounce Sir Thomas Turnbull of Beddroule, Gilbert Lorayne, David Turnbull, called David of Crawden, George Davidsoun of Birnyrig, George Turnbull in Belses, Andro, *alias* Dand, Davidsoun of Thankles, Walter Scot of Eidschaw, and William Scot, his brother, for not having appeared before the Council as charged. Acta 1581-85

Caution for John Carmichael, captain of Crawford.

Caution by Nicoll Scot, burgess of Edinburgh, for Johnne Carmichaell of Medoflat, captain of Crawfurd, that he shall sue Patrik M^{c}Crerik in the tolbooth of Edinburgh, upon the last day of February inst., for the treasonable fire-raising in Crawfurdstoun in September 1580, and that he shall summon a sufficient number of assize to "quite or fyle" M^{c}Crerik, or that, failing to do so, he shall pay the expenses of the accused from the date of his entry in the said tolbooth till the said last day of February.

Caution for the Earl Bothwell.

Caution in £10,000 by Alexander Hammiltoun of Innerwik, Johnne Cokburne of Clarkingtoun, Patrik Broun of Colstoun, and Mr Samuell Cokburne, for Francis, Earl Bothuile, that he and his friends shall keep the peace to Alexander, Prior of Coldinghame, David Home of Crancshankis, and their friends, till the 10th of May next.

Holyrood-house, 21st February.

Sederunt—Ut in die predicto.

Certain Border Lairds summoned to give advice for quieting the Borders.

Charge to the following persons to appear before the Council on the 10th of March next, under pain of rebellion, "to gif thair gude advise anent the quieting of the present troublis and disorderis in Teviotdaill and Liddisdaill, and observing of gude ordour in tyme cuming:"—Williame Ker of Cesfurde, warden of the Middle March; Andro Ker, younger, of Farnieherst; Walter Ker of Litilden; Gilbert Ker of Primsydeloch; Andro Ker, his son and apparent heir; Johnne Rutherfurd of Hunthill; Ritchard Rutherfurde of Edzarstoun; Andro Rutherfurd of Hundsley; Williame Dowglas of Caveris, sheriff of Roxburgh; George Douglas, younger, of Bonejedburgh; Johnne Turnbull of Mynto, Hectour Turnbull of Wauchop; Johnne Turnbull of Phillophauch; Johnne Cranstoun of that Ilk; Walter Riddall of that Ilk; James Langlandis of that Ilk; Johnne Edmonstoun of that Ilk; Wat Scot of Goldelandis; Wat Scot of Tuschlaw; Scot of Howpaslot; Johnne Scot of Dryhoip; George Scot of Syntoun; Robert Scot of Thirlstane; Sym Scott of Wynterburgh; James Gledstonis of Coklaw; James M^{c}Dowell of M^{c}Cairstoun; Johnne Stewart of Traquair; James Hoppringle of Quhitbank; Andro Hoppringle of Gallowscheillis; Robert Ellot of Reidheuch; Martine Ellot of Braidley; Gawen Ellot of Fallinesche; Will Ellot of Hostcoitt; Will Ellot of Gorumberry; Gawin Ellot of Swinsteidis; Robert Ker of Ancrum Wodheid; James Ker of Corbett; Lance Ker of Gaitschaw.

Sir Richard, died in March 1585-86, at the age of ninety. His son "Thirlstane" was to rise higher in power and honours, and was to be the founder of the Lauderdale family.

Acta 1581–85. Fol. 83, b.

Caution in 4000 merks by Patrik Broun of Colstoun for Mr Samuell Cokburne, that he and his will not harm Sir William Lawder of Haltoun, Gilbert Lawder of Balbaredeis (Quhitslaid), Williame, Thomas, and James Lawder, his sons, David Sinclair of Blans, Johnne Hoppringle of the Murrois, and Williame Lawder in Kelso, brother of the said Gilbert, or their wives, bairns, tenants, and servants. Edinburgh, 24th February. Caution for Mr Samuel Cockburn.

Caution in 6000 merks by Sir James Cokburne of Skirling for Mr Johnne Cokburne of Ormistoun, that the foirsaid persons shall be harmless of him also. Caution for John Cockburn.

Sederunt—Ut in die predicto. Holyrood-house, 26th February.

In consideration "of the greit chargis and expenssis sustenit be Sir Robert Melvile of Murdocairny, knicht, thesaurar depute, in outredding of the commoun effairis of the cuntrie, and that he is presentlie movit be his Hienes to accept upoun him the pament of sum debtis to Johnne Johnstoun of that Ilk, warden of the West Marchis," the King and Council have resolved "that the haill proffeit of his Majesteis cunyie salbe, monethlie or oulklie, as the said Sir Robert sall think gude, uptaikin, intromettit with, and applyit be him as follows:—that is to say, the ane half thairof for sustening and outredding of the commoun debtis, chargis, and effairis of the cuntre, and the uther half of the samin to be deliverit be the said Sir Robert, or be his Majesties maister cunyeour present and to cum be the said Sir Robertis precept, to Williame, Commendatar of Pittinweme, capitane and commandar of his Hienes gaird, ay and quhill he be compleitlie pait of the sowme of xiiii^{m} li." The master cunyeor is commanded to make account and payment accordingly to Sir Robert, "and to nane uthers," all past or future acts of Council to the contrary notwithstanding, all such Acts being declared null; and the King and Council promise to do nothing hereafter in derogation of the present order. The profits of the Mint to be administered henceforth by Sir Robert Melville, in manner prescribed.

Complaint by Robert Forestar of Balquhane, and Williame Lowthiane and Johnne Henrisoun, his tenants and servants of his lands of Row, as follows:—On the 21st of January last, "Mungo Edmestoun in Clarktoun, Johnne Martine in Row, and Williame Thomsoun thair, with thair complices, to the nowmer of twelf personis or thairby, bodin in feir of weir, with jakis, steilbonnettis, speiris," and other forbidden weapons, came to the houses of the complainers in Row, broke up their doors, and "maisterfullie reft, spuilyeit, and awaytuke ane chalder of aitmeill or thairby;" also, "stoppit perforce the said Robert Forrestaris plewis to gang in the ground of his saidis landis," and "strak and dang his said servandis and plewmen, and bostit and minassit thame in sic sort as thai dar not laubour and manure his saidis landis in tyme cumming for feir of thair lyvis." Farther, on the 20th of the same month, the said persons came to the said Robert's lands of Boquhane, and "schamefullie cuttit his plewis, put Robert Forrester against Mungo Edmonston and others.

thame out of the ground perforce, and imput the said Mungois awin plewis thairin, tending thairby to intruse himself in the said Robertis possessioun of his said heretage," besides assaulting and menacing his ploughmen as at the other place.—Parties having been summoned, and Robert Forestar appearing for himself and the other complainers, but the persons complained against having failed to appear, the order is to denounce them rebels. Acta 1581–85. Fol. 84, a.

Suspension of letters of horning against Cunningham of Cunninghamhead.

Complaint by Johnne Cunninghame of Cunninghamheid that Hew, Earl of Eglingtoun, as bailie of the bailiary of Cunninghame, is putting him to the horn wrongfully for alleged non-payment of his part of the last taxation for his lands within the said bailiary, to wit 6s. 8d. of every pound land of old extent, whereas "it is of veritie that the said Johnne maid pament upoun the first day of August last bypast to Andro Neving, appointit collectour for the said Erll, of vi ℔. xi ß. money for the xxix merk land and ane half of Polkellie, and of five merk and ane half for the taxatioun of his ten pound land of Perstoun and Dreghorne, togidder with his xx s. land of Drummure." As he has produced his acquittance thereof before the Council, and has no other lands within the said bailiary, he represents that the process of horning against him ought to be suspended.—Parties having been summoned, and the complainer appearing personally, while the Earl does not appear, the Lords suspend the letters as prayed, partly on the ground of the said acquittance and of the Earl's non-appearance, and partly because the complainer has "fund cautioun that he sall mak payment of quhatsumever sowmes he salbe forder astrictit to" [see *ante*, p. 632].

William Riddick against the Earl of Morton.

Supplication by Williame Riddik of Dalbatie as follows:—After the forfeiture of the late Earl of Mortoun, the King had bestowed "the haill earldome, with propirtie and tenandrie," on John, the present Earl [formerly Lord Maxwell], but upon an "expres contrair band," of date June 8, 1581, in favour of those that were free tenants of the earldom, obliging the new Earl to "ressave thame agane upoun his Hienes presentatioun to be direct to him as superiour, and to use the saidis tennentis anent their compositioun be the avise of sex of the Lordis of Secreit Counsale, or ony thrie conjunctlie of thame, specifeit in the said contrair band." In the same band the present Earl had "confessit that reasoun and gude conscience craiffit that the said frie tennentis of the said erldome sould be continewit in the possessioun of thair landis," except such of them as were then disobedient to his Majesty. Nevertheless, the Earl "hes not onlie molestit and troublit the said Williame in his possessioun of the ten pund land of Airdrie, of the quhilk he is heretable tennent to the said Erll of Mortoun, bot also hes disponit the saidis landis to Edward Maxwell of the Hillis, and that but onie presentatioun gevin be his Hienes to that effect," and also "hes actioun depending befoir the Lordis of Sessioun for removing of the said Williame, his wife and bairnis thairfra."—Parties having been summoned, and the complainer and Edward Maxwell appear-

Acta 1581–85. Fol. 84, b. ing personally, but the Earl of Mortoun not appearing, the decree of the Lords is that the infeftment granted to Edward Maxwell is contrary to the said band; and the Earl is ordained therefore to admit William Riddik as tenant, because he has "verifeit, be the productioun of ane infeftment of seasing, that he wes and is heretable tennent of the saidis landis."

Sederunt—Ut in die predicto.

Holyrood-house, 28th February.

Process of horning against Sir William Lauder of Halton declared null.

Sir Williame Lawder of Haltoun having been denounced rebel and put to the horn for not having found caution to keep the peace to Alexander Lawder, younger, his son, and to Jane Cokburne, his wife, and others of the family [see *ante*, p. 597 and p. 601], it is now declared that this has been done wrongfully, because he had, within the time prescribed, presented a band of caution to the required effect "subscrivit be certane responsall personis as souirties," and had only waited the answer of the Council as to the sufficiency of the sureties offered. The Council having delayed this answer "be reasoun of uther greit and wechtie effairis quhairwith thai wer occupeit," at the same time "retening the said band and obligatioun in thair awin handis" till another Council day, Sir Williame had "perswadit himself that na forder executioun sould have bene usit aganis him in the menetyme;" and the horning had been put in effect against him unexpectedly by the persons interested, without lawful warning or direction of the Council. On these grounds, and because the said band of caution "is now fund gude and sufficient," and is ordained to be registered in the Council books, the said horning is declared null.

Band of caution for Sir William Lauder of Halton.

Registration by George Lawder, as procurator for Sir William Lauder of Haltoun, of the said band of caution. It is in 10,000 merks, and is given by Lawder of Haltoun himself, as principal, and by George, Lord Seytoun, Robert, Master of Seytoun, David Somervile of Plane, and Alexander, Master of Ephingstoun, as his sureties; and the obligation is that Alexander Lawder, younger, of Haltoun, Jean Cokburne, his mother, James Lawder, his brother, and their sister, shall be harmless of
Fol. 85, a. the said Sir William Lawder. The band is dated at the Cannongait, 11th December 1583, and subscribed by the principal and his sureties before these witnesses: Gilbert Lawder of Balbairdeis, Charlis Lawder, James Lawder, David Seytoun in Tranent, Thomas Gray in Braidwodscheill, Johnne Wallace, Thomas Robesoun,—Thomas Young, notary public, witnessing the signatures of the subscribers.—On the margin of this entry are the words "Deleit be a warrand and command in writ subscrivit be his Majestie and his secretare," dated at . Johnne Andro subscribes this marginal note.

Holyrood-house, 29th February.

Charge to the Commendator of Inchaffray and others.

James, Commendator of Incheaffray, Johnne Levingstoun, younger, of Donypace, and Patrik Drummond, younger, of Carnok, charged to appear before the Council on the 3rd of April next, under pain of rebellion.

Caution for John Scott

Caution in £1000 by Johnne Erskin, heir apparent of Dun, for Johnne Scot in Hundennshop, that James Gledstanis of Coklaw, Thomas Burnet, his tenant, and the other tenants of his three husband lands lying in Hundishoip, shall be harmless of him in their persons, lands, and goods: Robert Scot of Thirlstane and Sym Scot of Wynterburgh undertaking to relieve the cautioner of the premisses, and Johnne Andro subscribing for Sym, "becaus I can not wryte." Acta 1581–85

Holyrood-house, 1st March.

Sederunt—Colinus, Comes Ergadie, cancellarius; Jacobus, Comes de Arrane; Jacobus, Comes de Glencairne; Thirlstane; Pittinweme; Computorum Rotulator; Clericus Registri; Caprintoun; Murdocairny.

Proclamation against certain rebel and fugitive Bells, Carlyles, and Irvings, of the West Border.

Proclamation ordered at the market cross of Drumfreis charging the lieges, under pain of treason, not to reset, harbour, or intercommune with the following persons, or their wives and bairns, viz.:—"Will Bell, callit Willie of the Nuke; Rany Bell and Johnne Bell, his brether; Willie Bell, callit Reidclok; Wattie Bell, callit the Budyell; Ritchie Bell, Francie Bell, Thomas Bell, and Umphra Bell, his brether; Alexander Carlile in Sowpilbank; Francie Carlile, his sone; Johnne Carlile, in Bracanquhat; Francie Carlile, his sone; Willie Carlile, callit Litle Willie; Wate Bell, in Middilbyhill; Oswald Bell, thair; Joke Bell, sone to umphra of the Ban; Jeffray Irwing in Turnschaw; Willie Irwing and Hobbie Irwing, his sonis; Hobbie Irwing, callit Litle Hobbie of the Turnschaw; Willie Irwing, callit Willie of the Mylflatt; with thair complices." The reason is that, having been declared rebels and fugitives for "sindrie greit and enorme attemptatis of stouthreif, slauchter, fire-raising, and inbringing of Inglismen within this realme to thair assistance," and having been at last taken and "kepit in several wards" for punishment, they had been rescued by violence, and had ever since "bene ressett, suppleit, fortifeit, and mantenit in thair rebellioun, not onlie be divers baronis and landit men his Hienes subjectis, bot within the heid burgh of the sherefdome of Drumfreis." The proclamation is also to command Johnstoun of that Ilk, warden of the West March, the sheriff of Drumfreis, the Provost and Bailies of the burgh, the steward of Kirkcudbrycht and Annanerdaill, and all other officers, to apprehend the said rebels. Fol. 85, b.

Holyrood-house, 4th March.

Sederunt—Ut in die predicto.

New Act of Council as to duties for licences to export salt.

Whereas, by Act of Parliament "maid in the dayis of umquhile our Soverane Lordis derrest gudsire," it is ordained "that na maner of personis send into Ingland victuellis, fische, or salt, under the pane of confiscatioun of all thair moveable gudis" [Acts of Parl., 1535 c. 25, ii. 346], and whereas it is also ordained, by Acts of Parliament and Council in his Majesty's own reign [1573, c. 3, and 1574, iii. 82 and 93, and Reg. Priv. Coun., vol. ii. 406], "that na small salt sould be careit furth of this realme without licence of his Hienes obtenit to that effect, under

Acta 1581–85. the pane of confiscatioun thairof" (which Acts were put in execution by his Majesty's regents in his minority, when the said salt "gaif greit prices in forren cuntreis"), the King and Council—understanding that, partly because the prices of the said salt have fallen, and partly by negligence of his Majesty's searchers and officers, "the said salt hes bene sufferit to be careit furth of this realme but licence obtenit of his Majestie," while at the same time "certane seircheouris and utheris privat personis at thair awin handis hes collectit and collectis ordinarlie vi ʃ. viii đ., v ʃ. iiii đ., or iii ʃ. iiii đ., les or mair, at thair pleasour, of ilk chalder of salt transportit furth of this realme, to thair awin privat use,"—have resolved "to mitigat the rigour" of the said Acts of Parliament and Privy Council, "that thairby his lieges and utheris strangeris resortand within this realme may lauchfullie transport the said salt in tyme cuming for speciall licencis." They therefore ordain that henceforth all, whether natives or strangers, who shall export "onie quhyte sault," shall, under the pains contained in the aforesaid Acts, "pay to his Majestie and his collectouris undermentionat for ilk chalder of salt to be transportit be thame iii ʃ. iiii đ. money of this realme as ane dewitie for his Hienes licence to transport the said salt," over and above "his Hienes greit custumes and utheris deweteis pait for the said salt befoir." All gifts or assignations to any other persons "for seircheing of the said salt or collectioun of onie dewitie for the samin" are revoked and annulled.—Farther, because it is understood by his Majesty and the Council "how far his Hienes munitioun houssis, ordinance, cairtis, and utheris preparationis of weir, ar demountit and decayit, and how his Hienes castellis and houssis thairof ar ruynit, and wantis thak, windois, and durris, quhilkis aucht yeirlie to be reparit, mendit, and augmentit," the King, with advice of his Council, now "dotis, dedicatis and annexis the said dewitie to be collectit of the said salt unto the reparing, mending and augmenting of his Hienes ordinance, munitionis, and preparationis for the weir, and to the theiking, mending, and uphalding of his Hienes castellis, forthis, and houssis thairof, sa far as the samin may extend; and, to that effect, makis and constitutis his Hienes dalie servitour, Johnne Chisholme, comptrollar of his Hienes ordinance, collectour of the said dewitie of the said salt during his liftyme, as alsua distributar of the frie money thairof upoun workmen and upoun materiallis neidfull to mont the cannonis and ordinancis, and to mak, mend, and repair the munitioun, instrumentis of weir, houssis, biggingis of the saidis castellis and fortalices, as salbe thocht maist expedient be his Majestie and Lordis of Secreit Counsale, conforme to thair particular directionis." The said Johnne Chisholme is to make account yearly to the exchequer both of the salt exportation duty he has collected and of his disbursement of the same for the above purposes; he and the deputies he may appoint, and for whom he shall be answerable, are to have power to collect the duty for the licences to be given by the King and Council authorising the transportation of salt, and "to gif thair tickettis thairupoun;" all officers of customs and clerks of cocquet are forbidden "to ressave custume or grant cocquet upoun ony salt to be trans-

portit heireftir quhill thai have sene the said collectour or his deputis letter upoun the ressait of the said dewitie," and are to "merk and registrat the samin in their bukis and deliver it agane to the berare markit for thair warrandis;" and charge is to be given by proclamation to all "maisteris, skipperis, and marineris of schippis, crearis, or boittis," and the other lieges, that none of them presume to export salt without duty paid and licence obtained in manner foresaid, "under the pane of confiscatioun of the samin salt, with schippis and veschellis quhairin the samin salbe transportit, with all the rest of thair moveable gudis, to his Hienes use." Finally, for the service thus imposed upon the said Johnne Chisholme and his deputies, he is to have "the sowme of xii ₰. of ilk pund to be collectit be him as said is, to be retenit in his awin hand of the first end of the said collectioun for his and his deputtis fie yeirlie," and the Lords auditors of the exchequer are ordained "to defalk and allow the samin in his comptis." Acta 1581–85. Fol. 86, a.

Suspension of letters of horning against John Leslie of Buchanstoun.

Complaint of Henry Leslie, son of Johnne Leslie of Buchanstoun, that Mr Johnne Abircrumby, parson of Owne, has wrongfully put the said Johnne to the horn for not compearing before the Council [*ante*, p. 334], in respect that he had not been lawfully charged, either at his dwelling house or through his servant. The Lords, parties having been cited, and Leslie appearing personally, and Abircrumby by his procurator, Mr George, his brother, suspend the letters of horning with consent of the said procurator.

Holyrood-house, 11th February (? March).

Sederunt—REGE PRESENTE—Colinus, Comes Ergadie, Cancellarius; Jacobus, Comes de Arrane; David, Comes de Craufurd; , Comes de Marschell; Jacobus, Comes de Glencairne; Jacobus, Dominus de Downe; Episcopus de Orknay; Commendatarius de Newbottill; Commendatarius de Culros; Thirlstane; Clericus Registri; Computorum Rotulator; Murdocairny; Master of Requests; Lochinvar; Caprintoun; Blairquhan.[1]

[1] Three new names in this sederunt of Council are "Comes de Marschell," "Lochinvar," and "Blairquhan."—The first, so new to the Council that the clerk does not seem at the moment to have known his christian name, was George Keith, 5th Earl Marischal, who had succeeded to the title, and also to the reputation of being the wealthiest man in Scotland, on the death of his grandfather, William, the 4th Earl, on the 7th of October 1581. Of scholarly and speculative tastes from his boyhood, he had resided abroad for six or seven years to complete his education; had been the pupil of Beza at Geneva; and had returned, about the time of his accession to the Earldom, an unusually learned and accomplished young man. He had been about Court; had sat in the Conventions of Estates of October 1582 and December 1583, and also in General Assemblies of the Kirk; but had been rather neutral hitherto between the two great parties of the Ruthven Raiders and the adherents of Lennox and Arran, though with some signs of leaning to the former. His admission to the Privy Council about this time may have been an experiment; and he will not be found in another sederunt for a good while to come. "Lochinvar" was Sir John Gordon of Lochinvar, an old Queen Mary's man, and one of the bitterest enemies of Regent Morton. There is mention of him in this volume before in connection with the feud between the Gordons and the Forbeses (*ante*, pp. 261, 279). "Blairquhan" was John Kennedy of Blairquhan, of whom there is a trace, in conjunction with Lochinvar, in Priv. Coun. Reg., ii. 603. He was now an adherent of Arran.

Acta 1581–85. Suit of Johnne Dumbar of Mochrum, and of Johnne Kennedy of Blairquhan, Williame Cunninghame of Caprintoun, and Thomas M^cAlexander of Corsleyis, as curators to the said Johnne Dumbar, as follows:—The said Johnne Dumbar, and his "predicessouris past memorie of man," had been "in peceable possessioun of the sextene dayis fischeing upon the watter of Findorne within the schirefdome of Inuernes," and "the said Johnne, and David Dumbar of Kinstarie, his tutour in his name during the yeiris of his pupillaritie, wer in simblable possessioun of the said sextene dayis fisching," till the provost and bailies of the town of Fores "wranguslie, at thair awin handis, without ony title of richt, and be way of oppressioun, stoppit and debarrit the said Johnne Dumbar, and his servandis in his name, to use the said fischeing." On complaint to the King, letters had been obtained ordering the said provost and bailies to restore Dumbar to possession during his minority; but now, as these "hes bene contempnit be the saidis provest and baillies, quha alluterlie refuissis, postponis, and deferris to restoir him to his said possessioun," remedy is prayed for.—Charge having been given to Robert Culloch, Thomas Urquhart, James Urquhart, and Williame Sutherland, the provost and bailies in question, to have, within ten days after the charge, under pain of rebellion, "restorit and enterit the said Johnne Dumbar and his saidis curatouris to his possessioun of the said fischeing, to be peceablie bruikit and joisit be him in maner foirsaid during the yeiris of his minoritie, as the samin wes bruikit befoir be him during the yeris of his pupillaritie," or else to have appeared personally and shown cause to the contrary, and "the saidis Johnne Dunbar of Mochrum and Williame Cunninghame of Caprintoun comperand
Fol. 86, b. personalie, and the said Robert Culloch, for himself and the remanent personis defendaris, comperand alsua personalie," the Lords, after hearing parties, reiterate their order to the provost and bailies to restore Dumbar and his curators to the fishings within ten days after charge, under pain of rebellion, with certification that, if they fail, they will be denounced rebels and put to the horn and to escheat, etc.: the reason assigned for this decision being that no reasonable cause had been shown to the contrary.

John Dunbar of Mochrum and his curators, against the Provest and Bailies of Forres.

Sederunt—Ut in die predicto.

Holyroodhouse, 14th March.

Although the Act of Council of December 24, 1583, for the inbringing to the cunyiehouse of certain pieces of money in order to be coined into new money of 8d. and 4d. pieces [*ante*, pp. 623, 627], "hes tane effect and executioun," and still does so, "to the proffeit of his Majestie and commonweill of his haill realme," yet, "becaus his Hienes understude sum bruttis and reportis to have bene spred amangis his Hienes subjectis that the saidis new pecis, in wecht, fynes, and uther circumstances, wer not correspondent to the tennour and effect of the said Act in all pointis," his Majesty, for his own assurance, and the satisfaction of his subjects, had "appointit certane lordis of his Privie Counsale, with the provest and baillies of Edinburgh, and utheris of best judgement and experience in sic

Order for publication of a report of commission appointed to test the new coin.

caissis, to try be pruif and experience the estait of the said cunyie." Such trial having been made, and the result having been reported, his Majesty "hes thocht gude to declair and assuir all his Hienes subjectis that the saidis new pecis, in wecht, fynes, and all uther circumstances, ar correspondent to the tennour and effect of the said Act in all pointis, and, according to the rait, equall in fynes with the saidis xii đ. pecis, babeis, and plakkis, and exceidis not the sowme of xlv s̃. of every unce passand the irnis: quhilkis makis ane equalitie alsua in fynes with the half merk and xl đ. pecis, ather of thame maikand ane unce of sylver in xlv s̃., and nathing different frome the price of the uther fyne sylver current within this realme." And so, "thair being ane equalitie in the money, it wes fund, as it is provin indeid, and as experience will forder declair, that his Majestie and the commounweill is greitlie proffitit, and the unlauchfull transporting, breking doun, and fyning of the foirnemmit kyndis of allayed money greitlie hinderit." Therefore, "to stop the mouthis of sic malicious reportis in tyme cumming," his Majesty with advice of his Council, ordains publication of the premisses to all the lieges. Acta 1581–8

Edinburgh, 15th March.
Caution for James Crichton.

Caution in £500, by Mr Archibald Cumming, fiar of Cowty, and Captain David Creichtoun of Easter Craig, for James Creychtoun at the mill of Ruthven, that Johnne Lovell of Bandoch, his tenants and servants, shall be harmless of him in their bodies, lands, and goods,—David Mosie, notary public, subscribing for James Creichtoun, who is unable to write.

Holyrood-house, 17th March.

Sederunt—Ut in die predicto. Fol. 87, a.

John Stewart and his wife against the conventual brethren of Dunfermline.

Complaint of Johnne Stewart of Tulliepureis, and Margaret Carwod, his spouse, as follows:—"Thai have bene kyndlie tennentis and takismen to the commendatar and convent of Dunfermling of all and sindrie the teindschaves, small teinds, and utheris teindis quhatsumever of the paroche kirkis of Strathardill and Muling, alswele personage as vicarage, with manssis, glebis, and kirklandis thairof, and all pendiclis and pertinentis of the samin, liand in the diocie of Dunkeld and schirefdome of Perth, thir divers yeiris bygane, and hes presentlie takis thairof for yeiris yit to rin; lyke as thai have laitlie cawsit mak ane new tak of the saidis teindschaves and small teindis of the saidis kirkis, with the manssis, glebis, and kirklandis of the samin, to be subscrivit be the saidis commendatar and convent to the saidis complineris for thair liftymes, and eftir thair deceis to the airis, assignais, and subtennentis of the said Johnne quhatsumevir, not hurtand nor diminischand the auld rentall for the space of twyis nyntene yeiris." But, though the said tack is "alreddy subscrivit be Robert, Commendatar of Dunfermling," yet "the conventuall brether of the said Abbay planelie refuissis to subscrive" the same, although "the saidis complineris hes offerit thame reasounable compositioun and enteres sylver for the samin."—Charge having been given to "dene Alexander Stevin, dene Johnne Angus, dene Alexander Aitkin, dene Thomas Burne, dene

Acta 1581-85. Williame Lummisdene, and dene Andro Gray, conventuall brether of the said abbay," to subscribe the tack within three days or else appear and show cause to the contrary, and Johnne Stewart appearing for himself and his wife, but the defenders not appearing, the Lords decree that they shall be ordained once more to subscribe the said tack within three days after the charge, under pain of rebellion.

Edinburgh, 20th March. Caution for Matthew Douglas.

Caution by Robert Simple, fiar of Foulwod, for Mathow Douglas, vicar of Kilpatrik, that he shall pay £6, 9s. for his part of the taxation of £20,000 for the said vicarage, besides the sum consigned by him for the same in the hands of Alexander Clerk of Balbirny, collector-general of the said taxation.

Holyrood-house, 24th March.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Jacobus, Comes de Glencairne; Thirlstane; Lochinvar; Murdocairny; Clericus Registri; Prior de Blantyir; Master of Requests.

Hearing of private causes in Edinburgh postponed.

Order that all days appointed for private suits either before the King and Council or before the King's justice or his deputies in the Tolbooth of
Fol. 87, b. Edinburgh be continued to the 20th of April next, without prejudice to parties, "to the effect his Majestie and his said Counsale may put ordour to the effairis of his Bordouris, the rentis of his crown and hous, greitlie hinderit and interruptit in tyme bigane, be occasioun of utheris the particular actionis of pairteis and convocationis maid for that effect." Proclamation of this adjournment of all private causes is to be made at the market cross of Edinburgh, with charge to the lieges already prohibited to approach his Majesty's person "that thai on na wayis cum neir unto his Majestie be the space heirtofoir limitat in his Hienes formar proclamationis," and with charge that no parties to private suits come on the days of diet formerly appointed, but superseded by the present Act.

Act requiring confirmation of all feus of kirklands.

Feus of kirklands having, "about the tyme of the beginning of Reformatioun of Religioun within this realme," been "sett be sic as pretendit the ecclesiastic estait to ony persoun thai plesit without respect of preceiding ordour in sic caissis, quhairupoun greit hurt apperit to succeid," an Act of Parliament was passed ordaining feuars or tacksmen of kirklands not to remove the lawful and kindly tenants till 1566, and that for the next three years no person enjoying a benefice should set his kirklands in feu or long tack without licence [Acts of Parl., 1563, c. 13, ii. 540]. There having since then been "greit misordour and hurt dalie practizit and done in setting of fewis of the kirklands," there had also been sundry Acts of Parliament and of Council, "alsweill in the Kingis Majesteis derrest moderis tyme of auctoritie as his Hienes," to the effect "that all fewis of kirklandis set of befoir within the tyme declarit, as to be set then in tyme cumming, sould be confermit be our Soverane Lord and utherwise

to have no effect," with an Act of Parliament last of all declaring that, in cases of double confirmations of kirklands or lands held of the crown, the first confirmation should prevail, whether it were of the first or last infeftment, provided the infeftment so confirmed were a lawful and valid infeftment [Acts of Parl., 1578, c. 13, iii. 103]. But, notwithstanding these Acts and provisions, "ane greit sort of his Hienes leigis lychtlie estemis, and, as apperis, nawayis regairdis, the saidis actis and ordinancis, quhanas sindrie, having maid thair compositioun for the confirmatioun, and the signature thairof being subscrivit, thay suffer the same to ly still in the thesauraris handis, doing na diligence to outred and pas the samin fordward throw the seillis; and ane uther greit multitude neglectis altogidder, or rather apperis to contempne, the saidis ordinancis, quhilkis keipis bak thair infeftmentis, and makis na sute for confirmatioun thairof eftir the prescrivit ordour; quhairby nather the ane sort nor the uther merittis (gif thai wer mett accordinglie) onie benefite of the saidis Actis, but rather justlie, for thair delay or contempt, sould be usit and ressave the rigour of the saidis Actis." His Majesty being "laith" that this should be, "gif thai will acknauledge thair awin weill and dewitie as becummis thame heirin," it is therefore ordained that all unconfirmed feus of kirklands,—whether the signatures are lying in the treasurer's hands, or are not yet presented for confirmation,—shall be brought to the treasurer for confirmation within [period left blank in the record], with certification to the owners that, if they fail, their infeftments shall have no force or effect in future. [See ratification by Act of Parliament, 1584, c. 8, iii. 351.] Acta 1581–8

Holyroodhouse, 29th March 1584.

Sederunt—Ut in die predicto. Fol. 88, a.

Adherents of the Earl of Mar or the Master of Glammis to leave Edinburgh within three hours, and Clydesdale people not to come to Edinburgh, under pain of death.

His Majesty having "detected the wicked and treasounable intentionis of divers his unnaturall and disloyell subjectis, mynding to attempt sum interpryis to the perrell of his Hienes," proclamation is ordered at the market cross of Edinburgh "chargeing all personis, servandis, dependaris, or tennentis to Johnne, Erll of Mar, or Mr Thomas Lyoun, Master of Glammis, and utheris personis worthelie suspectit unto his Majestie, alsweill induellaris of the burgh of Edinburgh as utheris," to remove from the town, its suburbs, and his Majesty's palace, within three hours, and also ordaining "that nane induellar within Cliddisdaill," Sir James Hamilton of Crawfordjohn and his family excepted, "repair to the same burgh and suburbes, or to his Hienes palice and presence, without speciall licence," all under the pain of death.[1]

Holyroodhouse, 31st March.

Sederunt—Ut in die predicto.

"The Kingis Majestie having discoverit the bissy travellis of sindrie in-

[1] The day of this Council Order, March 29, was a Sunday; and Calderwood notes (iv. 20) that "the court, having gotten some secret advertisement of a conspiracie, were so afrayed" that this proclamation was made "after noon, in time of sermon."

Acta 1581–85. quiet spreittis his subjectis, quhilkis, being the authouris or divisaris of the treasounable surpryis and restraint of his persoun the last yeir, and mislyking of his Hienes present libertie, as disapointit of the place and reull quhilk thai tuke upoun thame under the cullour of his name, althocht to his greit greif and offence, ceissis not now, be quhispering of seditioun and spreiding of untreuthis and misreportis, be thameselffis, thair servandis and fautouris, to move and perswade, sa far as in thame lyis, his Hienes peciable and gude subjectis to think utherwise of the lauchfull and maist necessar proceidingis of his Majestie, his nobilitie and Counsale resident with him (tending alwayis to the honnour, weill, and suirtie of his persoun and estait), then the treuth is indeid; and findand ane incessant laubour to further all thingis that may breade and foster inquietnes: his Majestie hes thocht it maist convenient to mak manifest the cours and scope of the dangerous and indirect dealing pretendit, and to foirwarne all his faithfull, loving and gude subjectis of the perrell. For sum that wer thocht meit to be removit furth of the realme for a seasoun, for the bettir suirtie of his Hienes and quietnes of the cuntrie, having ressavit his gratious pardoun alreddy, with gude pruif that he hes not socht thair landis, lyvis or gudis, bot his awin suirtie and a testimonie of thair obedience, eftir his licence grantit unto thame to depairt furth of the realme, notwithstanding lingeris and abydis, ather within the samin or in the nerrest pairtis of the cuntreis nixt adjacent, althocht to thair awin unease and to his Hienes offence; intertenand thair freindis and favouraris in the menetyme with hope of thair suddane returning, and, as weill appeiris, awayting occasioun to attempt sum new truble and disordour, to his Majesteis contempt and dangeare; thair servandis, familiaris and messingeris frequenting commounlie in the menetyme to his Hienes court and cumpany, armit and wering hagbuttis and pistolettis, notwithstanding the inhibitioun maid to the contrary. Quhairunto is annext a further practize, in that it is maliciouslie and maist untrewlie dispersit that Maister Andro Melvile sould be banissit and exilit for caus of religioun: na sic thing being indeid, sen his Hienes zeale and gude affectioun of the trew and christiane religioun, professit be his Majestie and establissit be his authoritie, is sa weill knawin as nane of his faithfull and loving subjectis can be in ony doubt thairof. Nather wes that man chargit upoun ony point or article of religioun; bot, being inquirit upoun sum uncumlie and seditious purposes utterit be him, gaif sic contemptuus and disdanefull ansueris in his Majesteis awin presence, be declyning the judgement of his Hienes and his Privie Counsale, and uther misbehaviour than instantlie hard and sene be his Majestie and his haill Counsale present for the tyme, that his persoun wes thocht weill worthie to be committit to ward quhill the acknawledgeing of his offence, and he onlie chargit to entir to have gevin pruif of his obedience, quhair utherwise his persoun mycht have bene apprehendit gif onie rigorous persute thairof had bene evir intendit: bot, he dissobeying and voluntarlie fleing, na maner of forder proces or judgment hes bene led or intendit aganis him or onie personis ministeris,

King's Declaration regarding his recent proceedings against those concerned in the Raid of Ruthven, and regarding the exile of Mr Andrew Melville: with order for various Proclamations.

howsoevir the contrary have bene untrewlie devulgat. Thairfoir, and to the effect that nane, in default of the knawledge of the treuth, suffer thameselffis to be perswadit or abusit utherwise, and that all his gude subjectis, being foirwarnit, may eschew the perrell of his Hienes displesour and indignatioun, ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas to the mercat croce of Edinburgh and utheris placis neidfull, and thair, be oppin proclamatioun in his Hienes name and authoritie, mak publicatioun heirof, that nane pretend ignorance of the samin, and to command and charge al and sindrie his Majesteis liegis, divisaris, interprysaris, or executaris of the foirsaid attemptat aganis his Hienes persoun at Ruthven, that hes obtenit his Majesteis licence to depairt furth of this realme, speciall nowmer of dayis and tyme being appointit to thame to that effect for his Hienes greittar suirtie and quietnes of the cuntrie as said is, that thai depairt furth of the cuntreis of Scotland, Ingland, and Irland, within the same dayis and tyme, and effectuallie use the benefite grantit unto thame be the same licencis, and on nawayis returne in this realme without his Hienes speciall favour and licence obtenit to that effect. Acta 1581–

And, gif thai failyie, the saidis dayis and tyme being outrun, his Majestie declairis the saidis licencis alluterlie to expire, and ordanis the personis to quhome the samin wer grantit to be persewit and puneist in thair personis and gudis, as gif na sic licence had evir bene grantit; as alsua, in caice of thair contempt and inobedience, delaying ather to depart and use the saidis licencis within the saidis dayis and tyme appointit, or that, being depairtit, sall returne within this realme agane, without his Majesteis speciall licence as said is, to command and charge in that caice all and sindrie shereffis, stewartis, baillies, lordis of regaliteis, provestis, aldermen, and baillies of burrowis, and all utheris his Hienes officiaris and ministeris of his lawis, liegis and subdittis quhatsumevir, to seirche, seik, tak, and apprehend the personis contravenaris quhairevir thai may be fund, and to bring and present thame befoir his Majestie and his Secreit Counsale for tryell and ordour-taiking anent thair contempt and inobedience as appertenis: for the quhilk thir presentis sall serve thame for sufficient warrand and commissioun; the executioun quhairof his Hienes declaris to be gude and acceptable service to his Majestie, meriting his Hienes favour, gudwill, and rememberance. And siclike to command and charge all his Hienes peciable and gude subjectis, that nane of thame tak upoun hand fra thine furth to intercommoun with thame, or onywayis to resset, supplie or mantene thame, or to interteny or keip intelligence be sending or ressaving of letters or messages to or fra thame, or ony utheris that hes obtenit licences and ar alreddy depairtit furth of the realme and yit lingeris and remanis in the narrest pairtis of the cuntreis nixt adjacent, or ony utheris personis depairtit furth of this realme upoun licence and remaning in the pairtis beyond sey for the caus befoir specifeit, without his Majesteis knawledge and licence obtenit to that effect, under the pane of his Hienes displeasour and indignatioun, and to be repute, haldin, callit and persewit as favouraris and pairttakaris of the saidis practizes and contempt, and to be Fol. 88, b.

Acta 1581–85. seveirlie puneist thairfoir as accordis. And in lyke maner to command and charge the servandis, assisteris, and pairttakaris with thame quha wer the principall interprysaris and executaris of the said attemptat committit at Ruthven, that thai repair nor hant not the placis of his Majesteis residence, quhairevir the samin be for the tyme, be the space of ten mylis, without his Hienes speciall licence askit and obtenit to that effect, under the pain foirsaid. And als to command and charge all and sindrie his Hienes liegis, that nane of thame presume or tak upoun hand to beir, weir or schute hagbuttis and pistolettis in ony pairt within twa mylis of his Hienes persoun, quhair he sal happin to be for the tyme, except sic as salbe expreslie send for be his Majestie for awayting upoun his persoun in armes, or have his speciall licence, under the panis contenit in the Actis of Parliament, beside the incurring of his Majesteis indignatioun; with certificatioun to thame that salbe apprehendit doand in the contrair, the panis contenit in the saidis actis salbe execute upoun thame with all rigour, in exemple of utheris."[1]

Complaint of John Lovell against Abraham Crichton and others.

Complaint of Johnne Lovell of Bandoch, as follows:—In December 1582 Abraham Creichtoun, younger, in Camnay, with his accomplices, "come to the ground of the said complineris landis of Bandoch, quhair his servandis wes lauborand the samin, and not onlie violentlie and perforce put his pleuch out of the ground, and brak the samin and haill materiallis thairof, bot als maist cruellie struke and dang his plewmen and servandis, and boistit and avowit to have thair lyffis, gif thai occupeit the saidis landis thaireftir." Further, on the 10th of February 1583, the same Abraham Creichtoun, being then rebel and at the horn, "come, accumpanyit with Adame Creichtoun, his sone, Andro Spalding, James Mukell, James Creychtoun, eldar, *alias* Barroun, Thome Futhie, eldar, Thomas Futhie, younger, Johnne Creichtoun, younger, *alias* Barroun, Johnne Mitchell, Andro Sandieman, Johnne Futhie in Pergavie, Johnne Cow in Elicht, Johnne Smyth, and George Smyth in Caldhame, with utheris his complices," to the number of twenty armed persons, to the said lands and houses of Bandoch, "and thar violentlie and masterfullie reft, spuilyeit, and awaytuke aucht drawin oxin." Still further, on the 13th day of that month, the same persons "unbeset the said complineris servandis on thair passing to Dundie to the mercat with victuell to have bene sauld to his behuif, and be way of deid reft and spuilyeit fra thame twa layd of victuell, togidder with ane hors and ane meir, quhilk wes careand the samin, to the said com-

[1] A copy of this Act of Council, in somewhat modernised spelling, and in the form of the proclamation ordered by it, is given by Calderwood (iii. 15–18), with the appended words, "Given under our signet, at Holyroodhous, *the last day of Februar*, and of our raigne the 18th yeere, 1583." That date, preceding the date of the present entry by a month, would better accord with the phrase of the Act and proclamation which speaks of the Raid of Ruthven as a crime of "the last yeir," and Calderwood states that the proclamation was actually made in Edinburgh on Monday the 2nd of March; but, as the present Act of March 31st, 1584, contains some clauses not found in Calderwood's reported Act of February 29, 1583–84, the probability is that the publication of the Act was renewed and the form altered a little to suit the later date.

plineris greit hurt and skaith."—The persons complained against having been summoned to appear, under pain of rebellion, and the said Johnne Lovell appearing personally, and James Creichtoun, one of the defenders, appearing also personally, but the remainder of the accused not appearing, the order is to denounce Abraham Creychtoun, Johnne Creychtoun, son of the said James, Johnne Fethie, Adam Creychtoun, son of the said Abraham, Andro Spalding, James Nicoll, Thomas Fethie, younger, and Johnne Mitchell. Acta 1581-85. Fol. 89, a.

Holyrood-house, 3rd April.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Lochinvar; Pittinweme; Thirlstane; Commendatarius de Culros; Clericus Registri; Computorum Rotulator; Murdocairny; Advocatus; Master of Requests.

To denounce Livingston of Dunipace.

Johnne Levingstoun, younger, of Donypace to be put to the horn for not appearing before the Council as charged.

Charge to Hume of Wedderburn and others.

George Home of Weddirburne, Williame Erskin, commendator of Paislay, and Mr Johnne Halden of Gleneges, charged to appear before the Council upon 10th inst., under pain of rebellion.

To denounce Drummond of Carnock.

Patrik Drummond, younger, of Carnok to be denounced rebel for not appearing before the Council as charged.

Holyrood-house, 4th April.

Sederunt—Ut in die predicto.

Act discharging all bands in support of the Raid of Ruthven, and forbidding all bands or assemblies in future.

His Majesty, understanding "how sindrie of his Hienes faithfull and gude subjectis, eftir the surprise, restraint, and captivitie of his maist nobill persoun at Ruthven in the moneth of August, anno lxxxii yeiris, wer deceitfullie introducit, under fals cullouris and pretext of religioun and commounweill, rather of ignorance nor onie evill meaning toward his Hienes, to subscrive certane bandis, seaming to allow and justifie that deid, and to assist and tak pairt with the authouris thairof," and having already shown clemency to the principal offenders, "forbering to seik other thair lyves, landis, or gudis," and having, moreover, "frelie forgevin all that wer craftelie inducit to subscrive the saidis bandis eftir the fact, nevir meaning to charge thame thairwith, bot that thai salbe unaccuisable thairfoir in all tyme cuming, as his Hienes hes declarit, and in the word of a Prince declaris be thir presentis,"—yet "to stope the mouthis of misreportaris," and for further satisfaction, ordains proclamation to be made at the market cross of Edinburgh, charging all the lieges that they subscribe no such bands in future, "bot that thai brek, dissolve and discharge all that thai have maid in tyme bigane." The proclamation also, for avoiding of all occasion of making such bands in future, is "to command and charge all and sindrie nobilmen, baronis, landit men, frehaldaris, and gentilmen, that thai forbeare and leif of to convocat thameselffis at onie assembleis, be the motioun of quhatsumevir personis, spirituall or temporall, to deliberat in

Acta 1581-85. onie caussis, civill or eclesiasticall, quhill his Majestie have tryit the present practizes intendit for the truble of his estait and declair his expres will be his speciall licence to be grantit to that effect, as thai and everie ane of thame will answer to his Majestie upoun thair allegeance and obedience at thair uttirmest charge and perrell."[1]

Sederunt—Ut in die predicto.

Holyrood-house, 6th April.

Fol. 89, b. Archibald, Earl of Angus, keeper of the castle of Thomptalloun, and Dame Agnes Hume, Lady Hume, Mr Thomas Lyoun of Balduky, now her spouse, and Robert Logane of Restalrig, keepers of the castle of Fastcastell, and all other withholders of the said castles, are commanded to deliver them to the King's officers within six hours after being charged, under pain of treason.

Order to render Tantallon Castle and Fastcastle.

Sederunt—Ut in die predicto.

Holyrood-house, 10th April.

Sir Patrik Gordoun of Auchindoun having, at the desire of the King and Council, caused James Stewart, James Creychtoun, and Alexander Ord, to apprehend Mr Alexander Wylie, to give evidence in certain matters, and the King and Council "being now satisfeit," the said Mr Alexander is allowed to depart home, none of the said parties to be liable for his apprehension.

Mr Alexander Wylie released.

Sederunt—Ut in die predicto.

Holyrood-house, 11th April.

Complaint by Alexander Hendirsoun, reader at Kilmawaris, that Alexander Clerk of Balbirny, provost of Edinburgh, collector-general of the last taxation of £20,000, has wrongfully caused him to be denounced rebel for non-payment of £6 as his part of the said taxation for the said vicarage. He pleads that "his haill vicarage is bot tuelf pundis or thairby, pait to him in smalis, in iii ß. and iiii ß. in sum placis," and that, though the tax demanded might have been fair in the old days of the vicarage, "quhanas the vicar thairof had thrie merk land," it cannot be expected that he "sall pay als mekle taxatioun for xii ℔. yeirlie in pensioun as gif he had had the haill landis pertening to his predecessouris."—The collector-general having been charged to appear and produce the said letters of horning, together with the tax roll upon which they proceeded, and having failed to appear, while the pursuer appears personally, the Lords suspend the letters, "ay and quhill" they be produced.

Suspension of letters of horning against Alexander Henderson, reader at Kilmaurs.

Complaint of Robert Bruce, brother of Alexander Bruce of Airth, as follows: —"Being ane kyndlie possessour of the landis of Medalbadrig and Masoun-land, liand in the parochin and regalitie of Dunfermling, within the schirefdome of Fyfe, pertening to the abbacie of Dunfermling, he resignit the samin landis in the handis of Robert, Commendatar of Dunfermling,

Robert Bruce against some of the Convent of Dunfermline.

[1] This Act and Proclamation was interpreted as a covert blow at the liberty of Synodical and General Assemblies of the Kirk.

superiour thairof, in favouris of himself and Helene Drummond, his spous, and thair airis lauchfullie gottin or to be gottin betuix thame: quhilkis failyieing, to the said complineris airis and assignais quhatsumevir." Then, "for certane sowmes of money debursit be him to the said Commendatar," he "obtenit the same landis of new in conjunct fie to him and his said spous, for pament of the auld dewiteis usit and wount, without ony diminution." But, "albeit the said Commendatar hes for himself past, seled, and subscrivit the same to the said Robert, and that he hes lykuise obtenit the said conventis seill, and sum of thair subscriptiounis appendit and affixt thairto," yet "the remanent of the said convent refuissis to subscrive the samin, without ony just caus or occasioun, thay being divers tymes requirit thairto, without thai be compellit."—Charge having been given to "denis" Alexander Stevin, Andro Gray, and Alexander Aitkin, to subscribe the said charter, or to appear and show cause to the contrary, under pain of rebellion, and Bruce appearing personally, but the defenders not appearing, the order is to denounce them rebels. Acta 1581–85. Fol. 90, a.

Case of John Dunbar of Mochrum against the Provost and Bailies of Forres.

The Provost and Bailies of Forres having contemptuously refused to obey the late decree of Council requiring them to admit Johnne Dumbar of Mochrum into the peaceable possession of the fishings on the water of Findorne [*ante*, p. 641], and having been charged to appear and answer renewed complaint on that subject, and the said Johnne Dumbar, and Williame Cunninghame of Caprintoun, one of his curators, again appearing personally for the prosecution, and Robert Culloch, provost of Forres, appearing for himself and as procurator for the said bailies of Fores, the Lords, after again hearing parties, charge the said provost and bailies, "yit as of befoir," to admit Dumbar to the said fishings within ten days after being required, because they have again failed to show reason to the contrary.

Caution for Kincaid of Warriston, Monypenny of Pilrig, and others.

Caution of Henry Neisbitt, burgess of Edinburgh, for Johnne Kincaid of Warestoun, Patrik Monypenny of Pilrig, Clement Kincaid of the Coittis, Stevin Kincaid, Johnne Mathesoun and James Crawfurd, feuars of a part of the barony of Brochtoun, that they shall pay to Adame, Bishop of Orknay, Commendator of Halieruidhous, what they owe him for his relief of the last taxation of £20,000, over and above the sum of £15 already consigned in the hands of the collector of the said taxation.

Holyrood-house, 11th April.

Decree that the eight persons who, in April 1573, became sureties for Lords John and Claud Hamilton have forfeited their caution.

Representation by Mr David M^cGill of Neisbit, King's advocate, and James, Earl of Arrane, donator of the escheats and penalties following:—It states that an act of caution in £40,000 had been entered into by Johnne Hammiltoun, sometime Commendator of Abirbrothok, and Lord Claude Hammiltoun, sometime Commendator of Paislay, as principals, and the late Gilbert, Earl of Cassillis, Williame Hammiltoun of Sanquhar, Williame Baillie of Lamingtoun, the late Johnne Menteith of Cars, Alexander Bruce of Airth, Sir David Hammiltoun of Fynhaltoun, Johnne Hammiltoun of Pardowie, and James Lokart of Ley, as sureties for them, Fol. 93, b. Fol. 94, a.

Acta 1581–85. binding the said Lords Johnne and Claude Hammiltoun, for themselves and for the house of Hammiltoun, to observe and keep the terms of the Pacification concluded at Perth upon 24th February 1572, but that nevertheless, since the date of the said obligation, registered in the books of Council and Session on the 4th of Aprile 1573, the said principals, with their accomplices, had treasonably held against the King the Castle of Hammiltoun from the 5th to the 19th May 1579, and the Castle of Draffen from the 6th to the 16th May 1579, for which crimes they had been forfeited in Parliament on the 26th October 1579 [Acts of Parl., iii. pp. 125, 126]. The band having thus been contravened, the said sureties, who are eight in number, have incurred, it is contended, the said penalty of £40,000, and accordingly each of them is liable for £5000, "becaus thai wer conjunctlie obleist."—Alexander Bruce of Airth, one of the cautioners, having been summoned to hear decree that he had incurred the penalty of £5000, and parties having been called, and the Earl of Arrane, donator foresaid, and the said Advocat, appearing personally, and Alexander Bruce by his procurator, Mr Edward Bruce,—"quha exceptit aganis the judgement of the Privie Counsale and competency thairof in this caus, being civill as he alledgit, quhairin becaus probatioun and triell is to be had be a forme not usit nor accustumat in this judgement, that the samin thairfoir sould be remittit to the decisioun and triell of the Lordis of Sessioun, onlie judgis competent thairto, in quhais buikis the said obligatioun is registrat,"—the Lords, having considered the said exception, together with all the evidence, find that the said principals have contravened their band by committing treason against the King in the manner and at the times specified, and therefore that each of the said sureties is liable in £5000; for payment of which the Earl of Arran, donator, may direct letters of horning or poinding, as he best pleases.

Fol. 90, b. Caution in £10,000, by Patrik Hepburne, younger, of Wauchtoun, for Johnne Halden of Glenneges, that he shall not reset or intercommune with any of the authors or abettors of the Raid of Ruthven now abroad, and that he shall appear before the Council upon six days' warning. Edinburgh, 12th April. Caution for John Haldane of Gleneagles.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Crawfurd; Jacobus, Comes de Montrois; Andreas, Comes de Rothes; Jacobus, Dominus de Downe; Lochinvar; Thirlstane; Master of Requests; Commendatarius de Pittinweme; Commendatarius de Culros; Clericus Registri; Computorum Rotulator; Advocatus. Holyrood-house, 17th April.

The King, with advice of his Council, "for certane caussis and considerationis moving his Hienes," orders proclamation to be made at the market crosses of the head burghs of the realme, charging the "wyfe, familiar freindis, servandis and dependaris of Williame, Erll of Gowry, that nane of thame tak upoun hand to repair to the place of his Majesteis residence, The wife, friends, servants, and dependents of the Earl of Gowrie not to approach his Majesty.

quhairevir the samin be for the tyme, be the space of ten mylis, quhill his Majestie gif speciall declaratioun of his will in the contrair, without his speciall licence askit and obtenit to that effect, under the pane of his Hienes indignatioun and displeasour, and to be repute, haldin, callit and persewit as favouraris and pairttakaris of the attemptatis committit be him, and to be seveirlie puneist thairfore as accordis."[1] Acta 1581–85.

[1] This entry, bringing the Earl of Gowrie's name abruptly once more into the Register so many months after his disappearance from the sederunts of the Council, marks a critical point in Scottish history; and a few particulars may be required here to make it and the following entries intelligible.—Since that counter-revolution at St Andrews, in the end of June 1583, which had undone the work of the Raid of Ruthven of August 1582, and restored Arran and his party to power, there had been, as the Register from that date will have abundantly made clear, a growing determination on the part of the King, with Arran and Colonel Stewart, now Commendator of Pittenween, as his chief advisers, to avenge himself for the Raid of Ruthven by severities against its leaders and their adherents. For a little while the Raid of Ruthven had been spoken of in proclamations and other public documents as a disagreeable occurrence which the King was willing to forget; and Gowrie, Glencairn, and others of the Ruthveners had retained their seats at the Council (*ante*, pp. 583, 590, 631). But gradually, as the Arran influence in the Council became firmer and was recruited by new men brought into the Council, the language of retrospective denunciation of the Ruthven Raid had become stronger, and the policy had been adopted of compelling express and formal repudiation of the Raid and submission to the King, as a condition of pardon for concern in it. Hence prosecutions of its chief abettors, one by one or collectively, with sentences of banishment, warding in this place or that place, &c. In this way a considerable number of the Ruthveners had been driven into exile or dispersed through Scotland in disgrace. The Earl of Mar, the Master of Glammis, and the Abbots of Dryburgh and Cambuskenneth, had taken refuge in Ireland; Lord Boyd, Douglas of Lochleven, and Colville of Easter Wemyss, had gone to France; Mr John Colville and others had gone to England, where also was Mr Andrew Melville, a refugee on a kindred account; while Lord Lindsay and other nobles and lairds, with some of the more zealous clergy, were running risks at home. Among all these there was communication, with a common hatred of the Arran supremacy, and a desire to subvert it; and, as the same sentiment possessed Lords John and Claud Hamilton, the sons of the Duke of Chatelherault, long proscribed and in banishment in England on older grounds (*ante*, pp. 165, 178), and also the Earl of Angus, who had been warded at large, north of the Spey, also on a separate account (*ante*, p. 365), the coalition of the discontented, called *The Party of the Banished Lords*, was a powerful one, and none the less so because they had the sympathies of the Kirk and were favoured by the English Queen Elizabeth. As usual, a Band had been formed among them, pledging them to act in concert, for the remedy of "the miserable estate of the Kirk of God, the extraordinar danger of the King's Majesty's person in body and soul, and the horrible confusion of the whole parts of this Commonwealth." All this had gone on independently of Gowrie. That arch-chief of the Ruthven Raid was understood to have made his peace with the King by sufficient apologies for the transaction; and, though he had not continued his attendance at Council so long as his fellow-Ruthvener Glencairn, but had gone into retirement, he was supposed to have abjured his former principles, and had lost popularity accordingly. But Gowrie's yearnings were still for association with the enemies of the Arran rule, and for an active part for himself on their side of politics. Though he had asked and obtained the King's licence to go abroad, he had lingered on in Scotland. "He repents his repentances, condemns his condemning of the fact of Ruthven," says Calderwood, giving the date as early in March 1583–84 (iv. 21), and adding, as the cause, that on the 2nd of that month Gowrie had been charged to avail himself of his licence of exile and "depart out of the countrie within fyfteene days" (iii. 23). No such charge appears in the Register of the Privy Council; but the entries there for the latter end of March and the beginning of April 1584 prove the alarm of the Court at the movements of the Banished Lords, and the vigilance of Arran and his colleagues against their threatened insurrection, with or without Gowrie among them. Mar and the Master of Glammis were back in Scotland from Ireland; Angus had come to Brechin from his ward north of the Spey, and was moving farther south; there had already been a

Acta 1581-85.

Sederunt—Ut in die predicto.

Holyrood-house, 18th April. Order for a general armed muster of the lieges in Edinburgh for march against the insurgents in Stirling.

"Forsamekle as certane of the Kingis Majesteis tratouris and rebellis, having cassin of all dewtifull obedience aucht to his Hienes, thair Soverane Lord, and his authoritie, hes seasit and taikin his Majesteis burgh of Striviling, of intentioun to proceid and rais oppin weir aganis his Hienes and his authoritie, to the truble and inquietatioun of all his Majesteis peciable and gude subjectis of all estaittis, gif thair insolence and treasounable attemptattis sall not be spedelie repressit: Thairfoir, with avise of the Lordis of his Hienes Secreit Counsale, ordanis lettiris to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas to the mercat croces of the heid burrowis of the haill sherefdomes within this realme, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge all and sindrie his Hienes liegis and subdittis betuix sextie and sextene yeiris, and utheris fensable personis, alsweill duelland to burgh as to land, within regalitie as ryeltie, that thai and every ane of thame, weill bodin in feir of weir, baith on hors and fute, according to thair habilitie, repair toward his Majesteis persoun to Halieruidhous, or quhair he sal happin to be for the tyme, with all possible diligence efter the said charge, for resisting of the treasounable attemptatis of the saidis rebellis and conspiratouris, and repressing of thair insolence, under the pane of tinsell of lyfe, landis, and gudis."

Sederunt—Ut in die predicto.

Holyrood-house, 19th April. Command to the insurgent Lords to leave the realm, and prohibition of intercommuning with them.

"Forsamekle as sum traterous and rebellious subjectis, being wortheile removit for a tyme furth of this realme for certane treasounable attemptatis quhilk the Kingis Majestie had of his princelie clemencie remittit unto thame, have not onlie returnit agane within the same besydis his Hienes privitie and knawledge, bot, the mair to manifest thair avowit contempt of his Hienes and his auctoritie, have laitlie saisit and surprysit the burgh of Striviling, of intentioun, as appeiris, to attempt sum further treasoun

gathering of the Banders at Perth; and Lords John and Claud Hamilton were to be on the English border and ready to assist. The form of action that had been resolved on was an attack on the Castle of Stirling, so as to obtain possession of that fortress, raise the standard of rebellion there, and address a remonstrance thence to the King, demanding the dismissal and punishment of Arran, and an entire change in the policy of the Government. Gowrie, unfortunately for himself, after being taken into the confidence of the Banders, had left the neighbourhood of Perth, where his estates were and where he would have been safest, and had gone to Dundee, as if to take ship there for the Continent, but really to wait till he should hear of the first success of the Banders at Stirling. But Arran, who had excellent private intelligence, was on the alert, and had sent Colonel Stewart, with a hundred troopers, to Dundee, to arrest Gowrie. He was taken prisoner on Wednesday the 15th of April, after Stewart had brought guns from the ships to fire on the house in which he had barricaded himself. It was the news of this arrest of Gowrie in Dundee that led to the present Act of Council and Proclamation of the 17th of April against his wife, servants, and adherents. Stewart was then bringing the captive Earl to Edinburgh. On this same day, April 17, 1584, two days after Gowrie's arrest, Mar, Glammis, and their followers did take the Castle of Stirling.—These facts will explain some of the subsequent entries.

aganis our Soverane Lordis persoun and estait, to the trubling of his Majestie and inquieting of the peceable estait of this realme, gif spedie remeid be not provydit: Thairfoir, with avise of the Lordis of his Hienes Secreit Counsale, ordanis letters to be direct, chargeing all and sindrie the saidis personis laitlie returnit agane within this realme, that thai dissolve all forces gadderit be thame, and retire thame furth of this realme, and nawayis repair agane within the same, without the Kingis Majesteis speciall licencis had and obtenit thairto, conforme to thair formar licencis, under the pane of treasoun: And siclike chargeing all and sindrie assisteris, dependaris, and pairttakaris with thame, or onie of thame, to retire thame to thair awin houssis, and nawayis to assist or tak pairt with thame, or ony of thame, in ony thair treasounable attemptatis, under the pane of tinsell of lyfe, landis and gudis: And siclike to command and charge all and sindrie his Hienes gude subjectis that nane of thame presume or tak upoun hand to supplie, intercommoun, furneis any vivers, or interteny intelligence with ony of our Soverane Lordis saidis rebellis, thair assisteris or pairttaikaris, under the panis foirsaidis." Acta 1581-85. Fol. 91, a.

Holyrood-house, 20th April.

Sederunt—Arrane; Montrois; Downe; Thirlstane; Lochinvar; Clericus Registri; Computorum Rotulator; Murdocairny.

Prohibition of private feuds during the march against the Stirling rebels.

His Majesty, having commanded "a force and pouer of his loving and obedient subjectis" to gather round him for action against the "treasounable attemptatis" of the insurgents at Striviling, and understanding that there are feuds and quarrels among those so commanded to muster—any prosecution of which, or private revenges on account of them, would be most perilous at such a time—orders proclamation at the market cross of Edinburgh, charging all who shall take part in the expedition against the rebels to lay aside their private feuds meanwhile, and concur in the one object, under pain of treason.

Proclamation for special service by Edinburgh during the enterprise against the rebels at Stirling.

His Majesty, having resolved, in consequence of the taking of Striviling by some of his rebellious subjects, "to pas in proper persoun, and, be his Hienes power and authoritie and the assistence of his faithfull and loving subjectis, to repres the treasounable attemptatis and insolence of his saidis rebellious subjectis," and having had "gude pruif of the fidelitie, reddines, and benevolent service of his weilbelovittis, the provest, baillies, counsale, dekynnis of craftis, and haill communitie of his burgh of Edinburgh, not onlie in the offer of thair awin corporall service to pas and convoy his Hienes persoun, bot in the thankfull bestowing and lenning of thair money now and at sindrie uther tymes heirtofore to the avancement of his Hienes service and suppleing of necessiteis," therefore, "and to the effect that thai may be the mair hable to performe and accomplische thair faithfull service to his Majestie," ordains proclamation to be made by a herald, macer, or other officer of arms, at the market cross of Edinburgh and other places needful, commanding and charging "all and sindrie his Majesteis sub-

Acta 1581-85. jectis, burgessis and inhabitantis of the said burgh and fredome thairof, quhilkis occupiis ony trade of merchandice, craft or industry within the libertie of the same burgh, that thay and every ane of thame answer and obey the commandiment and directioun of the saidis provest, baillies, and counsall in all thing tending to the avancement of his Hienes present service, other be thair corporall service in passing forwart and serving under the charge of sic capitanis as thai salbe committit unto, or in paying of sic stent and taxatioun as salbe sett be the saidis provest, baillies, and counsale, or in the keping of watche and waird within or without thair toun quhanevir thai salbe commandit, notwithstanding of ony licencis or exemptionis grantit to thame, or ony of thame, in tyme bigane, to byd fra oistis and raidis, fra keping of watcheing and warding, and fra pament of taxtis and stentis: all quhilkis his Majestie, with avise of his Secreit Counsale, dischargis [and] annullis simpliciter," requiring the provost, bailies and council to proceed as if such exemptions had never been granted. And, "becaus his Majestie is to pas to the feildis in propir persoun for the defence and preservatioun of his croun and authoritie," the same proclamation is "to command and charge all and sindrie the Lordis of his Hienes Counsale and Sessioun, and utheris judgis within the said burgh of Edinburgh, all advocattis, scribis, sollistaris, herauldis, maseris, pursevantis, and messingeris, or utheris that heirtofore hes clamed or brouked privilege, immunitie or exemptioun, be quhatsumevir richt or grant of his Majestie or his predicessouris, that thai and every ane of thame, weill bodin in feir of weir, addres thameselffis to convoy and accumpany his Majestie toward the burgh of Striviling or utheruise, and to serve and attend as thai salbe commandit and directit at this tyme, except sic as, upoun speciall consideratioun, salbe licencit to tary at home, not-
Fol. 91, b. withstanding thair saidis privilegis, immuniteis, and exemptionis (quhilkis his Hienes suspendis for the tyme of this present service), as thai and every ane of them will declair thair affectioun to his Majesteis persoun and authoritie, and under the pane of tinsell of lyff, landis and gudis." Farther, it is "to command and charge all baxteris, browsteris, tavernaris, flescheouris, fischeouris, cuikis, and utheris provisouris of victuellis, within the said burgh of Edinburgh and suburbis thairof, the Cannongait, the townis of Leith, Mussilburgh, Prestoun and the Pannis, Dalkeith, the Quenisferrie, Linlythgow, Falkirk, Culros, Dunfermling, Brint Iland, Innerkething, Kinghorne, Dysart, Kirkcaldy, to prepair victuellis, baith hors meit and mannis meit, and to follow his Hienes thairwith, to be sauld for sufficient and gude prices, under the pane abonewrittin; with certificatioun to all that ar of habilitie and salbe negligent in the premissis, the said pane salbe execute upoun thame with all rigour, in exemple of utheris."

Testimony that Douglas of Lochleven is abroad.

"The quhilk day Maister David Lindsay producit ane testimoniall of the toun of Rotchell, and likwise ane testimoniall of the skipparis of the schip quhairintill the Laird of Lochlevin wes transportit to the pairtis beyond sey and landit in the Rotchell, and ane instrument tane in the commoun

clerkis hand of Dundie of his imbarking in the said schip; efter production quhairof the Kingis Majestie and Lordis of Secreit Counsale ordanit the Clerk of the Register to retene thame in his custody and keping quhill he sould ressave further directioun of his Majestie and the saidis Lordis." Acta 1581-85

Caution for the Commendator of Inchaffray.

Caution in £20,000, by Johnne, Earl of Montrois, for James, Commendator of Inchaffray, delivered into his custody, that he shall enter him before the Council when required, and that in the meantime he shall have no communication with the King's subjects abroad or going abroad.

Order respecting Margaret Turnbull.

On the supplication of Sir James Hume of Coldenknowis, "moder broder" of Margaret Turnbull, niece of Sir Thomas Turnbull of Beddroull, and of Alexander Hume of Hutounhall, tutor-dative to her, "tuiching the suspensioun of his Majesteis lettiris direct for exhibitioun of the said Margaret," the Lords suspend these letters in the meantime, and ordain the said Alexander to retain her in his keeping as at present.

Order to arrest all ships bound for other countries.

Proclamation ordered at the market cross of Edinburgh and at the shore and pier of Leith, charging officers "to pas to all portis, heavinis and raidis within this realme, and thair fense and arreist all maner of schippis barkis, and caryaris, now frauchtit and bowin to saill in onie uther cuntreis, and tak the saillis fra thair rayis, and hald and keip thame under arreistment, ay and quhill thai obtene the said arreistment deulie lowsit," with command also to the masters and owners of such vessels not to break the arrestment, under pain of loss of life, lands, and goods, and to magistrates of burghs to assist the officers in the execution of the premisses.

Sederunt—Ut in die predicto.

Holyrood-house, 21st April.

Proclamation against supplies to the traitors at Stirling, with charge to that burgh and its inhabitants.

His Majesty, regarding the surprise of the castle and burgh of Striviling by some of his unnatural subjects, and their occupation and defence of the same, as amounting "to the intertenyment of a plane rebellioun and publict weare within the realme, as gif thair wer nowther king, law, nor justice thairin," and having "deliberatlie resolvit," with advice of his Council, "to persew the taikeris and withhalderis of his said castell and burgh with fire, sword, and all uther hostilitie, as publict innymeis," ordains proclamation to be made at the market crosses of Falkirk, Culros, Clakmannan, Dumblane, Glasgow, Dumbartane, and Kirk fo Kippane, Fol. 92, a. charging the lieges not to repair with victuals or munition to the said traitors or to have dealings with them, under the pain of treason, and commanding also all the inhabitants of the said burgh of Striviling "to remove thameselffis and thair famileis furth of the same, and leiff the rebellious societie and furneissing of the saidis traitouris and conspiratouris, thair favouraris, assisteris, and pairttaikeris, under the pane abonewrittin; with certificatioun to thame, and thay failyie, the said toun of Striviling salbe exponit in pray, brint, sacked, and rasit, and the fredome and privilege

cta 1581–85. thairof annullit and dischargit for evir, in signne and memorie of the unnaturall defectioun of the haill inhabitantis of the said burgh frome thair alledgeance, obedience and fidelitie, aucht to his Hienes, being sa lauchfullie and tymouslie forwarnit to have kepit the same burgh and cheif place of defence thairof from all surpryis and taiking; quhairin thai have maist treasounablie neglectit and owersene thair dewitie, worthelie incurring thairby the pane and punisement abonespecifeit."

Charge to render the fortalice of Innerwick.

Hammiltoun of Innerwik, and other keepers of the fortalice of Innerwik, charged to deliver the same to the King's officers within six hours after the charge, under pain of treason.

Charge to Angus, Mar, Glammis, and the other rebel leaders at Stirling, to surrender the castle and burgh to the King.

Archibald, Earl of Angus, Johnne, Earl of Mar, Mr Thomas Lyoun of Balduky, Master of Glammis, Thomas, Master of Boyd, David, Commendator of Dryburgh, Adam, Commendator of Cambuskenneth, William, Commendator of Paislay, Johnne Levingstoun, younger, of Donypace, Patrik Drummond, heir apparent of Carnok, James Skrymgeour of Dudope, constable of Dundie, together with the bailies, council, and community of the burgh of Striviling, and all other takers of the castle, burgh, steeple, ports or "brig" of the said burgh, the lodging of Annabell, Countess of Mar, and other places of fortification within and about the burgh, are charged to deliver the same to the King's officer, so that his Majesty, with his faithful counsellors, "may have frie acces thairto and interes thairin," within six hours after the charge, under pain of treason.

The muster against the rebels at Stirling to be prepared for thirty days' service.

The proclamation of April 18th [*ante*, p. 653] for a muster of the lieges in arms having made no "mentioun of ony tyme or space of thair remaning," and the prospect being that "sum tyme wil be occupeit" in the recovery of the town and castle of Striviling and suppression of the rebels, proclamation is now ordered at the market cross of Edinburgh, charging all who shall take part in the present expedition "that thai remane thameselffis, and direct for palyeonis, careage, victuellis, and uther necessar furnissing to ly on the feildis, for the space of xxx dayis eftir the xx day of Aprile instant."

Sederunt—[not recorded].

Holyrood-house, 24th April.

Act in favour of representatives of those slain in the service.

Fol. 92, b. Proclamation ordered at the market cross of Edinburgh of the following provisions in favour of the posterity of such as may be slain or die in the present raid in the King's service:—The benefices of kirkmen so slain or dying to be disponed to the nearest of their kin "maist able thairfoir." The heirs of persons so slain or dying to have their ward, non-entry, relief, and marriage free, provided they obtain entry with their superiors within three terms of their ancestors' death; but, if the heirs be pupils, they may enter within three terms after attaining the age of 14 years. If the person deceased have lawful children besides his heir, the profits of his ward to be taken up and enjoyed by their mother (if there be no tutors-testamen-

tary) so long as she remains a widow, and, she failing, by the tutor-at-law, for the benefit of the heir and his brothers and sisters, until the perfect age of the heir (21 in males, 14 in females), the profit of the heir's marriage being free to himself. If the persons deceased have feus, their heirs to enter within the three years without doubling of the feu. If an earl, lord, baron, freeholder, vassal, subvassal, feuar, mailer, tacksman, rentaller and possessor or common be slain or die, his heir, executor or assignee to have freely his own ward, relief and marriage in his own hands; and his wife, bairns, executors or assignees, to "bruik" their tacks, steadings or possessions, as well of kirklands as of temporal lands, for five years, without payment of grassum or entry silver, paying only the rents and duties used and wont. [Compare with similar Acts in Reg. Priv. Coun., vol. i. pp. 78, 222, 357, 364, and Acts of Parl. 1547, c. 1, ii. 599; 1571, c. 18, 19, 20, iii. 63–4.] Acta 1581–8

Proclamation for keeping the appointed order and array in the march to Stirling.

His Majesty being "presentlie to pas to the feildis with his army for persute and puneisment of his rebellious subjectis," and having "appointit how his cumpaneis, alsweill of futemen as horsmen, sall merche on the feildis," and having resolved "to ryde be himself, accumpaneit with sum speciall noblemen and utheris quhome his Hienes hes electit to be about him," proclamation is ordered at the market cross of Edinburgh, charging those joining the expedition "that thai and every ane of thame keip the ordour and cumpany appointit for thame, and that nane repair nor approche unto the troup and cumpany of nobilmen and utheris that remanis about his Hienes, except thai be expreslie callit on or send for, during the tyme that his Majestie salbe on the feildis, under the pane of present death."

The Earl of Rothes absolved from his obligation for the Earl of Angus.

His Majesty, understanding how "his richt traist cousing and counsalour," Andro, Earl of Rothes, "upoun kyndlie affectioun borne be him toward Archibald, Erll of Angus, his sone-in-law, and specialie to wyn and recover him to his Hienes obedience eftir his declyning thairfra," had, "upoun the pane of his lyf and heretage," become bound to his Majesty for the fidelity of the said Earl of Angus, "quha notwithstanding hes abusit him and enterit in plane rebellioun," now declares, of his special favour and clemency, and by advice of his Council, that, "being fully perswadit of the honest meaning of the said Erle of Rothes, and constant fidelitie toward his Majesteis service," he exonerates and absolves the said Earl of Rothes of his said promise and obligation.

No Hamilton to approach the King.

Persons of the surname of Hammiltoun discharged from approaching within ten miles of his Majesty, under pain of loss of life, lands, and goods: Sir James Hammiltoun of Crawfurdjohnne, his bairns, dependents, and servants, alone excepted. Fol. 93, a.

"Forsamekle as it hes pleasit the Kingis Majestie, with avise of the Lordis

Acta 1581–85. of his Secreit Counsale, to commit William, Erle of Gowry, as suspectit of certane crymes of lese-majestie, to the custody and keping of his Hienes rycht traist cousing and counsalour, James, Erll of Arrane, Lord Avane and Hammiltoun, and sic as he sall appoint to attend upoun the said Erle of Gowry, in the hous of Kynneill, the castle of Blaknes, or sic uther hous or pairt as the said Erle of Arrane sall think maist sure and convenient: thairfoir our Soverane Lord, with avise of the saidis Lordis of his Secreit Counsale, will and grantis, and for his Hienes and his successouris decernis, declairis, and ordanis, that, in caice the said Erll of Gowry presume to eschaip or eschew furth of his said ward, or that ony freindis or parttakaris sal happin to attempt to releve him be force, that it sal be lauchfull to the said Erle of Arrane, his servandis and utheris the keparis of the said Erll of Gowry, to execute him to the death, or to persew him, his assisteris and pairttakeris, in caice of his eschaping, with fire and sword to the death: quhilk sall nevir be imput as ony cryme or offence to the said Erle of Arrane, his freindis, deputis nor servandis; nor thai nor nane of thame salbe callit or accuisit for the same, criminalie or civilie, be ony maner of way in tyme cumming: exonerand and dischargeand thame simpliciter of the same for evir."

Declaration concerning the Earl of Arran's custody of the Earl of Gowrie.

Sederunt—Ut in die predicto.

Holyrood-house, 25th April.

Inasmuch as it is "crediblie reportit to the Kingis Majestie that his Majesteis tratouris and rebellious [subjects ?] quhilkis laitlie surprysit and tuke his Hienes burgh and castell of Striviling, fearing his Majesteis approcheing thairunto with his forcis of his faythfull nobilitie and utheris gude subjectis, ar fled, leving the said castell stuffit and garnissit with sum small force of thairis, unable to resist ony tyme of continewance, in respect of his Majesteis present power and ordinance addressit aganis the same": proclamation is ordered, at the market cross of Edinburgh and elsewhere, to "command and charge all and sindrie his Hienes wardanis of the Merchis of his realme foiranent Ingland, and utheris his faythfull and gude subjectis quhatsumevir, that thai and every ane of thame follow, seirche, seik, tak, and apprehend the traitouris and rebellious personis, taikeris and surpris[er]es of the said burgh and castell of Striviling, and persew thame be fire and sword, nycht and day" under pain of treason. "Attoure, his Majestie faithfullie promittis, in the word of a Prince, that quha sa evir sall slay, or tak and inbring to his Majestie onie of the saidis tratouris or thair assisteris in this thair treasounable conspiracy and rebellioun, deid or quik, salbe condignlie rewardit of thair landis, gudis, and geir, in perpetuall memory to the posteritie of the fidelitie, manheid and trew service of the executour of that deid for his Majesteis saik, according the worthines of the fact." Farther, the proclamation is to forbid any in his Majesty's present army, not specially licensed, "to skaill or depairt fra the attendence of his Majesteis persoun and ordour of the

Proclamation for pursuit and capture, dead or alive, of Angus, Mar, Glammis, and the other rebels, now fugitive from Stirling.

battellis appointit quhill the samin be dissolvit be his Hienes speciall licence and permissioun, under the pane of deid."[1] Acta 1581-

Holyrood-house, 27th April.

Sederunt—Ut in die predicto [*i.e.*, a sederunt of such of the Council as had been left in Edinburgh].

Allowance to the Master Cunyeor for having bought silver at higher prices than had been rated to him.

The King and Council understanding that the price of silver has been greatly raised, and silver made scarce, by the practice of "certane his Hienes subjectis, taiking upoun thame the name of exchangearis," and by the fact that others, "under cullour of his Majesteis preceptis, purchest for ansuering to thame of his Hienes proffeit of sic sylvir as wer furneist and gevin in to be past the irnis for pament of thameselffis of certane debtis contractit be his Hienes," have bought silver at higher than the just or usual rate, and understanding also that "his Majesteis maister cunyeour, for the advanceing of his Hienes proffeit, payment of the waigis of his gaird, and outredding of sindrie utheris his Hienes effairis, quhilk micht ressave na delay for the tyme, wes constrenit to by sylver upoun the like prices, as being unhable utherwise ather to have satisfeit his Majestie or yit to have inbrocht the sortis of sylver ordanit to be brokin doun in sic quantitie as his Hienes proffeit onywis mycht have bene knawin," have therefore "allowit, and be thir presentis allowis, to the said maister cunyeour xxxvii ß. vi đ. for ilk unce sylver coft be him, without deductioun or defalcatioun of ony pairt thairof, notwithstanding onie act or compt past, or uther forme prescrivit or appointit of befoir, in the contrair." Also, they fix the same as the price to be paid by him hereafter for "ilk unce Fol. 93, b. of xi đ. fyne," other silver to be *pro rata*. The present order is to be warrant to the auditors of his Majesty's accounts to allow to the master

[1] As this entry purports, the Rebel Banders at Stirling, partly because paralysed by the arrest of Gowrie, partly because they found themselves too weak to wait such a host as the King and Arran were bringing against them, had already fled from Stirling, leaving only a small garrison of twenty-eight soldiers in the castle. This they had done on Friday the 24th of April, the day before the present act of Council at Edinburgh, having two days before issued a proclamation of the motives and intentions of their rising. The Proclamation, which ended "God save the King," was studiously respectful to his Majesty himself, whose "owne good inclinatioun and naturall dispositioun" were praised; but it contained a vehement invective against the recent tyranny and corruptions in State and oppressions of the Kirk, all of which were attributed to "that godlesse atheist, bloodie Haman, and seditious Catiline, James Stuart, called Erle of Arran," and "that wicked woman, his purchassed wife, a meete matche for suche a spous, depending upon the response of witches, and enemie to all human societie" (Calderwood, iv. 27–31). While this proclamation was still getting into circulation over the country, its authors, Angus, Mar, Glammis, and the rest, fugitive from Stirling, were making their way, by Lanark, Tweeddale, and Teviotdale, to Kelso, and so across the Borders to safety in England. Hence the present order for their interception, if possible. On the same day, Saturday the 25th of April, the King and his host, estimated at over 12,000 men, set out from Edinburgh for Stirling, whither Colonel Stewart had gone in advance on the previous night, with 500 men, too late to do anything against the fugitive Lords. On Monday the 27th, the King, who had remained over the Sunday in Linlithgow, was at Stirling with his host, just after the little garrison of soldiers left in the castle had surrendered. Their captain and three others of them were hanged on the 28th. A well known Archibald Douglas, called "The Constable," because he had once been constable of Edinburgh Castle, was also hanged.

Acta 1581-85. cunyeor the said price for his "bying of the said sylver in tyme bigane and in tyme cumming."

Sederunt—Ut in die predicto.[1] Stirling, 28th April.

His Majesty, "finding himself like to be greitlie preissit to mak present dispositioun of the forfaltouris and escheatis of personis offendouris in this publict defectioun and rebellioun aganis his Majestie, thai nowther being yit forfaltit nor put to the horne, nor yit ony consideratioun taiken of his awin necessitie and debtis, nor of the greit and wechtie chargis that he hes and mon beare in the prosequutioun of this caus, nor of the qualitie and quantitie of the thing cravit, the worthynes of the cravar and deserving of the offendour," has resolved, with advice of his Council, "not to pas ony gift, infeftment, presentatioun or promise of landis, heretage, benefice, gudis or offices, sumtyme pertening to the persons presentlie his rebellis," till his "Majesteis nixt being at his palice of Halierudhous or Edinburgh, and that he have gude advise and informatioun of the materis craved." Those that "sall impesche, importune, or preis and urge his Majestie utherwise," shall have their suits denied, and incur displeasure. No suits for gifts of the escheat of the rebels to be entertained at present.

The king, having come to Striviling, and "finding the samin left be his rebellious and disobeyit subjectis," and being unwilling that his good subjects "quhilkis sa reddelie hes schawin thair affectioun to his service" should be put to "ony superflew or extraordinar panis," ordains proclamation at the market cross of Striviling that all the "commounis, firmoraris, mailmen and unlandit men, and all the burgesses, craftismen, and inhabitantis of burrowis (the fyve hundreth men of the toun of Edinburgh exceptit)," may "pas hame to thair duelling houssis, to thair repose and quietnes," holding themselves ready to respond to the next proclamation to "cum to his Hienes service." The earls, lords, barons, freeholders, and landed men are, however, to continue in the service till licensed to depart. The common people allowed to depart home from the army.

Sederunt—Ut in die predicto. Stirling, 29th April.

Inasmuch as the burgh and castle of Striviling, after having been in possession of the rebels, "wes ressavit, at his Hienes command and speciall directioun," by Alexander, Master of Levingstoun,—"quha reddely approcheit and enterit in the said burgh efter his Hienes rebellis and disobedient subjectis wer depairtit out of the same, ressavit the keyis thairof, and inclosed and invironed the said castell be himself, his kin, Act in favour of the Master of Livingstone "anent the taking of Striviling."

[1] This is not the only case in which the formula "*Sederunt*—Ut in die predicto" is seen plainly to have been put in at random to disguise the fact that the sederunt had not been noted, or had been forgotten before the entry was made. The sederunt on the occasion of the last entry was at Edinburgh, on Monday the 27th of April, and could have consisted only of councillors left at Edinburgh, after the King and his nobility had gone to Stirling; but this sederunt of Tuesday the 28th was at Stirling itself, where most of the nobles and Councillors were with the King.

freindis and servandis, befoir onie uther force come thairto,"—the king, with advice of his Council, hereby declares that the Master of Levingstoun and those who assisted him in taking the said burgh and castle have done good and acceptable service, and ordains the said Master to deliver the castle to the Earl of Arrane. This discharge and declaration in favour of the Master of Levingstoun is ordered to be ratified in the next Parliament. Acta 1581-

Stirling, 4th May.[1] Caution for Robert Auchinleck.

Caution in £500 by Johnne Leyth of Disblair, son and apparent heir of Patrik Leyth of Harthill, for Robert Auchinlek, servant to George Auchinlek of Balmanno, that he shall appear before the Council on fifteen days' warning, and shall remain in the meantime beyond the river of Forth, not coming within ten miles of the King's person or residence. Robert Gordoun of Sawthok and Johnne Gordoun of Adrell oblige themselves to relieve the cautioner in the premisses.—On the margin of this entry are the words "Deleit be warrand and command in writt subscrivit be the Kingis Majestie and Counsall past of the dait at Striveling the xxv$^{ii\ d}$ ay of September 1584." Fol. 94,

Stirling, 5th May. Caution for William Rhynd of Kerse.

Caution in 1000 merks by the Master of Saltoun, Williame Rait of Hagrene, and David Betoun of Melgund, for Williame Rynd of Kers, that he shall abide trial before the Privy Council when required on fifteen days' warning.

Stirling, 6th May. Caution for George Herring of Glasclune.

Caution in 500 merks by Andro Blair of Ardblair for George Herring of Wester Glasglune, that he shall appear before the Council when warned, and in the meantime shall not come within ten miles of the King.

Holyrood-house, 10th May.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Jacobus, Dominus de Doun; Dominus de Thirlstane; Segy; Clericus Registri.

Charge to Mr Andrew Hay, parson of Renfrew, and three other ministers.

Mr Andro Hay, parson of Renfrew, Mr Andro Polwart, subdean of Glasgow, Mr Patrik Galloway, minister at Perth, and Mr James Carmichael, minister at Hadingtoun, commanded to appear before the Privy Council upon the 6th day after being charged, under pain of rebellion.

Charge to Thomas, Master of Boyd.

Thomas, Master of Boyd, commanded to enter in ward in Abirdene within six days after being charged, and remain there till relieved, under pain of treason.

Charge to a number of persons to surrender the castles and fortalices in their possession.

The King, with advice and consent of his Council, "for certane reasounable caussis and considerationis," commands the persons after-mentioned to surrender the following castles and places to the King's officers within twenty-four hours after being charged, under pain of treason:—Williame Douglas of Lochlevin, Agnes Leslie, his spouse, and Robert Douglas, their son and

[1] On the 2nd of May the Earl of Gowrie, who had been brought to Stirling, was tried there for treason by an assize or jury of his peers, including Arran, Argyle, Crawford, and others. He was found guilty; and that same evening he was beheaded, "a little benethe the castell wall."

Acta 1581–85. apparent heir, to surrender the castle and fortalice of Lochlevin; Mr Thomas Lyoun of Balduky, Master of Glammis, and Dame Agnes Gray, Lady Hume, his spouse, the house and fortalice of Glammis and Auldbar; Dame Doratrie Stewart, Countess of Gowry, the houses and fortalices of Ruthven, Dirltoun, Cousland, and the lodging in Sanct Johnstoun, which belonged to Williame, sometime Earl of Gowrie; Archibald, Earl of Angus, the houses and fortalices of Douglas and Cokbrandispeth; Johnne Carmichaell, elder, of that Ilk, the house and fortalice of Carmichaell; Johnne
Fol. 95, a. Lindsay of Covintoun, the house and fortalice of Covingtoun; James Hammiltoun of the Haggis, the house and fortalice of Haggis; Dame [Margaret] Lyoun, Countess of Cassilis, the houses and fortalices of Cassilis and Dunnure; Robert, Lord Boyd, and Thomas, Master of Boyd, the houses and fortalices of Kilmarnok and Baidlay; Patrik, Lord Lindsay, the houses and fortalices of the Byris and Strutheris; Sir James Home of Coldenknowis, the house and fortalice of Coldenknowis; Williame, Lord Forbes, and Johnne, Master of Forbes, the houses and fortalices of Drummynnour and ; Johnne Leslie of Balquhane, the houses and fortalices of Balquhane and Fettirneir; Williame Dowglas of Glenbervie, the houses and fortalices of Glenbervie and Braidwod; Williame Dowglas of Boncle, the house and fortalice of Yvillie; Alexander Hammiltoun of Innerwik, the houses and fortalices of Innerwik and Ballincreif; Williame, Commendator of Paislay, the abbey, place, and fortalice of Paislay; David, Commendator of Dryburgh, the abbeys, houses, and fortalices of Dryburgh, and Inchemahomo; Adame, Commendator of Cambuskynneth, the abbey, place, and fortalice of Cambuskynneth; George Dowglas of Parkheid, the house and fortalice of Parkheid; Dame Margaret Maxwell, Countess of Angus, and Williame Baillie of Lamingtoun, her spouse, the Castle of Boithuile; Sir Andro Hammiltoun of Goslingtoun, the house and fortalice of Sillertounhill; Walter Carmichaell of the Park, the house of the Park; Uthrid M^{c}Dowell of Garthland, the places and fortalices of Garthland.

Sederunt—Ut in die predicto.

Holyrood-house, 11th May.

Charge to the authors of the late treason at Stirling to depart the realm; with order to "speir out" the names of the servants of the principal rebels.

The persons lately apprehended at Striviling "being convict and adjudged to have suffered death according to thair demerittis," but the King having, "eftir the executioun of a few nowmer of thame," spared the lives of the rest,—who, however, "ar unworthie to be suffered remane in ony pairt of his Hienes realme,"—proclamation is ordered at the market crosses of Edinburgh, Striviling, and other places necessary, charging all and sindry who treasonably withheld the castle of Striviling (David Home and Johnne Schaw only excepted) to depart furth of the realm by 1st of June next, and on no account to return "during thair liftymes," under pain of death. It is also to charge all judges and ministers of the law "to speir out and try the names of" the household-men and serving-men of Archibald, Earl of Angus, Johnne, Earl of Mar, Mr Thomas Lyoun of Balduky, Master of Glammis, David, Commendatcr of Dryburgh, Williame

Commendator of Paislay, and their fugitive accomplices, and of all who had assisted in the "lait treasounable attemptat," or had reset or intercommuned with the said traitors from the date of their first conspiring till their flight out of Scotland, and "to mak trew report thairof" with all diligence to the King or his Council. The judges and all other faithful subjects are also to apprehend any of the conspirators, with their household-men and serving-men, wherever found, as also the said persons who were in the castle of Striviling when it was treasonably withheld, the said 1st day of June being past (the said David Home and Johnne Schaw excepted), and to present them before the Justice for due punishment, under pain of being held partakers with them in their treasonable rebellion. Acta 1581–85. Fol. 95, b.

Charge to thirty-nine guilty or suspected persons to appear before the Council.

Charge to the following guilty or suspected persons to appear and answer before the Council when warned, under pain of rebellion:—Johnne Levingstoun, apparent of Donypace; Henry Ogilvie, apparent of Ballischo; Ogilvie, son of Johnne Ogilvie of Inuerquharitie; Laurence, Master of Oliphant; Johnne, Master of Forbes; Mr Arthour Forbes, his servant; Michaell Elphinstoun; William Elphingstoun, brother of Robert, Lord Elphingstoun; George Crawmond, son of the Laird of Auldbar; Johnne Lindsay of Covintoun; Bernard Lindsay of Englisberrie Grange, his brother; Johnne Dowglas of Glaspen; Johnne Douglas of Welles or Todhoillis; Williame Carmichaell of Rantrecorse; James Hammiltoun of the Haggis; Walter Carmichaell of the Park; George Douglas of Parkheid; James Douglas and George Douglas, his sons; Robert Erskin, apparent of Litle Sawchy; Williame Cunninghame, son lawful to the Laird of Drumquhassill; James Cunninghame in Caverca; Robert Portarfeild in Alloway; Johnne Drummond, son of Robert Drummond of Carnok; Walter Dowglas in Litil Sawchy; Mathow Colvile of Condy; Williame Colvile and Thomas Colvile, his brothers; Johnne Mouschett, sheriff-clerk of Striviling; Christell Seytoun, brother of the Laird of Touche; Robert Douglas, apparent of Lochlevin; Williame Brog, "barbour" in Stirling; William Douglas of Yvillie; James Young of the Corse; Mark Young, his brother; Johnne Leslie, called Johnne of Bannachie; Mr David Home, brother of the Laird of Wedderburne; Andro Rollok, brother of the Laird of Duncrub; Johnne Ker, son of the Laird of Greneheid.

Holyrood-house, 12th May.

Sederunt—Ut in die predicto.

Charge to the servants and retainers of the chief rebels to depart out of Edinburgh and Leith.

His Majesty, "dalie disclosing the covert and indirect practizes of his unnaturall and rebellious subjectis, bent to the perrell and annoyance of his Hienes persoun and estait," and thinking it meet "be all lauchfull and gude meanis to obviat and repres thair fetchis and treasounable pretenssis, dalie working be thair servandis and familiaris reparand to his Hienes presence and court," ordains, by advice of his Council, proclamation to be made at the market cross of Edinburgh, the shore and pier of Leyth, and other necessary places, charging the servants and retainers of the

Acta 1581-85. Earl of Angus, the Earl of Mar, the late Earl of Gowry, and Thomas Lyoun of Balduky, Master of Glammis, to depart furth of the said towns of Edinburgh and Leyth within three hours after the proclamation, and not to come within twelve miles of the King, under pain of death. The proclamation is also to forbid the inhabitants of Edinburgh, Leyth, the Cannongait, or other towns within 12 miles of the King's residence, to receive, harbour, or in any way countenance "the saidis suspectit personis," under pain of treason: this charge, however, not to extend to persons warned by name to appear before the King and Council.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Dominus de Downe; Pittinweme; Clericus Registri; Murdocairny; Advocatus. Holyrood-house, 21st May.[1]

Mr James Carmichaell, minister at Hadingtoun, to be denounced rebel for not having appeared before the Privy as charged [see *ante*, p. 662]. James Murray of Pardoweis to be denounced rebel for the same reason. To denounce Mr James Carmichael and James Murray of Pardowies.

Fol. 96, a.

Sederunt—Ut in die predicto. Holyrood-house, 24th May.

Williame Baillie of Lamingtoun, James Lokhart of Ley, Johnne Hammiltoun of Pardowie, and Williame Hammiltoun of Sanquhar, four of the eight sureties of 1573 for Lords John and Claud Hamilton in £40,000, declared to be liable in £5000 each to the Earl of Arran, donator of the Sureties of Lords John and Claud Hamilton declared liable in £5000 each.

Fol. 96, b.

[1] On the 19th of May there was a meeting of Parliament in the Tolbooth of Edinburgh, in which, besides the King, there were present 8 Bishops, 13 Abbots, 25 Peers and Lords (the highest in rank being the young Duke of Lennox, who bore the crown in the opening ceremony), and 23 Commissioners of Burghs. It sat two days only (May 19 and 22), but passed 49 Acts. Among these were:—an Act confirming the Royal Supremacy over all estates and subjects; an Act discharging all jurisdictions not approved by Parliament, and all assemblies and conventions without his Majesty's licence; an Act conferring jurisdiction in all ecclesiastical causes on the Archbishop of St Andrews and other Bishops in their dioceses; an Act ratifying the Declaration of the King and Convention of Estates in December 1583 condemning the Raid of Ruthven; an Act for punishment of slanders on the King and Council; an Act approving of the proceedings against the late rebellion at Stirling; an Act for disinheriting the posterity of the Earl of Gowrie; an Act for annexation of forfaulted lands and rents to the crown; an Act ratifying the King's last general revocation of gifts made in his minority; and an Act approving of "the lait cunyie of allayit money." There was also an Act confirming the Earl of Arran in the office of Chancellor of the Kingdom in the absence of the Earl of Argyle, the Earl of Montrose in the Lord Treasurership, Sir Robert Melville of Murdocairney in the Treasure-deputeship and clerkship of the Treasury, and Sir John Maitland of Thirlstane in the Secretaryship. (*see* Acts, iii. 290–325). The proceedings of this Parliament were kept profoundly secret till it was over, the Lords of the Articles being sworn to secrecy with unusual strictness; but, while it was still sitting, one of them wrote to one of the ministers of Edinburgh in these terms: "What purpose is presentlie in hands I darre not particularlie show unto you, becaus I am sworne to the contrare; but this farre I will assure you, in generall, that the whole force of this Parliament is bent against the Kirk and discipline thereof" (Calderwood, iv. 62, 63). Among the Acts he had in view were the three first mentioned of the above.

escheats of the said Lords for the treason committed by them in 1572, Acta 1581–85. according to former decree of the Council on that subject [*ante*, p. 650].

Proclamation for the peace of the Parliament then running.

Proclamation ordered at the market cross of Edinburgh, charging all persons summoned to "this present rynnand Parliament,"[1] to "cum in quiet and peciable maner, with thair ordinar houshaldis and trynis, without uther armour sauffand thair accustumat maner to ryde with their swerdis and quhinzearis," and commanding them not to molest or provoke one another, "under the pane of deid."

Holyrood-house, 25th May.

Sederunt—Ut in die predicto.

No factories to be granted upon the goods of the persons culpable in the late rebellion.

Parliament having just passed an Act providing "that, quhill the personis culpable of the lait treasounable conspiracie and rebellioun aganis our Soverane Lord and his authoritie be tryit foull or clene, thair escheit guidis, geir, debtis and rentis of thair landis, levingis, and benefices, salbe arreistit, intromettit with, and remane sequestrat" in the hands of the Earl of Montrois as lord treasurer [1584, c. 24, iii. p. 306], his Majesty, with advice of his Council, "hes deliberat and concludit to clois his handis frome all granting of onie maner of factoreis upoun the guidis, geir, debtis, rentis of the landis, levingis and benefices of the personis quhatsumevir culpable" of the above crime, and to leave the same in the hands of the said treasurer and his officers, according to the Act, willing the said Act "to be inviolablie observit," and commanding his secretary and other keepers of his seals, at their utmost peril, not to "ansuer the same seillis to ony sic factoreis, in caice thai sal happin to be past his Majesteis subscriptioun, or quhasaevir utheris subscrive the same."

To denounce Mr Andrew Polwart and Uthrid Macdowall of Garthland.

Mr Andro Polwart, sub-dean of Glasgow, who had been charged to appear before the Council, with Mr Andro Hay, parson of Renfrew, having failed to appear, the Lords order him to be denounced rebel [*ante*, p. 662].

Uthreid M°Dowell of Garthland to be denounced rebel for the same reason. Fol. 97, a.

Collector of the tax of £20,000, against the sheriff-depute of Forfar.

Complaint of Alexander Clerk of Balbirny, provost of Edinburgh, collector of the taxation of £20,000 granted by the Estates in April 1583 [*ante*, p. 562], as follows:—Patrik, Master of Gray, sheriff of Forfar, and James Bonar, his depute, having been charged to pay to the complainer on the 1st of September last £371, being the tax due for the said sheriffdom, "the said sheref for his dissobedience is ordourlie denuncit rebell and put to the horne, althocht it be of veritie that the haill taxatioun of the said sheref-

[1] This Parliament, the ninth in the reign of James, is called a "rynnand" Parliament, because it had met originally for form's sake on the 24th of October 1583, had been continued thence to November 18, 1583, and, though assembled again for real business on the 19th and 22nd of the present May 1584, had been again continued thence to the 3rd of the coming August.

Acta 1581-85. dome is collectit and ingadderit be the said James Bonar, schiref-depute foirsaid, and he hes disponit thairupoun at his pleasour, meaning thairby to defraud oure Soverane Lord thairof, seing, as he alledgis, na executioun of horning can be usit aganis him, being bot ane depute, and the said Maister of Gray, sheref-principall, is already sa oft denuncit that he takis na regaird thairof."—James Bonar having been charged to pay the £371 or to show cause to the contrary before the Council, and both parties appearing personally, the Lords, after hearing reasons, ordain Bonar to pay within twenty-four hours after being charged, under pain of rebellion.

Sederunt—Ut in die predicto.

Holyrood-house, 26th May. Concerning the wardship of Margaret Turnbull.

His Majesty, "according to his princelie office, being cairfull for minoris, and respecting the weilfair of thame, thair landis and leving fallin and becum in his Hienes handis be deceis of thair parentis," had, "eftir the deceis of umquhile Williame Turnbull, younger, of Beddroull," whose lands and living had then come into his Majesty's disposition "be ressoun of ward," made gift thereof "and of the mareage of Margaret Turnbull, his dochter and apperand air," to Sir James Home of Coldenknowis, knight, and Sir Williame [Thomas ?] Turnbull of Beddroull, knight, "equalie betuix thame." But, the latter being now "his Majesteis rebell and fugitive" [*ante*, p. 634], and his right of the said wardship and marriage having thus come again into his Majesty's hands, his Majesty,—"mynding the weill of the said Margaret, his oy, and that scho be not prejudgit nor hurt be the said Sir James, or ony utheris pretending rycht to hir mareage, bot that scho be weill usit and educat, as alsua respecting the service of hir hous necessarlie pertening to his Majestie at all occasionis upoun the Bordouris, for quhilk effect his Hienes, with avise of his Secreit Counsale, ar to tak finall ordour with the said Margaret, and to sie hir sa provydit as hir leving salbe weill gydit, and hirself joynit with ane aggreable pairtie effeirand to hir estait, quhairby his Majestie may be the bettir servit upoun the Bordouris, as his predicessouris hes bene be the possessouris of that hous of befoir,"—arranges therefore as follows:—Alexander Home of Hutounhall, keeper of the said Margaret [*ante*, p. 656], having appeared and produced her before
Fol. 97, b the Council according to the charge given him, and Alexander Home, parson of Spott, brother of Sir James Home of Coldenknowis, also appearing in name of his said brother, and craving, for the said Sir James as donator of her ward and marriage, that she might be delivered to him, the said Sir James, it is decreed by the Lords that she remain in the house and keeping of Alexander Clerk of Balbirny, provost of Edinburgh, till it be decided to whom the gift of her marriage and other rights claimed by the said Sir James belong; and to that effect the Captain of Blaknes is requested to allow the person appointed by the King to speak to the said Sir James in the captain's presence, and to take sight of his rights and titles, so that a report may be made to the King and order taken in the matter.

Discharge to Thomas Kennedy of Bargany for apprehending the Countess of Cassilis.

On supplication by Thomas Kennedy of Bargany, setting forth that, according to commission directed to him, he has apprehended Dame Margaret Lyoun, Countess of Cassillis, in order to her examination before the Council, and, after keeping her in his custody for "thir divers dayis" past, has brought her to town, with his servants, and presented her to the King and Council "to be usit in sic forme and maner as it suld pleis his Hienes," the Lords grant to him, and to his friends and servants who had assisted him in the business, a discharge for their conduct under the said commission. Acta 1581–85.

To denounce Walter Douglas.

Walter Douglas in Litle Sawchy to be denounced rebel for not appearing before the Council as charged.

Holyrood-house, 28th May.

Sederunt—Georgius, Comes de Huntlie; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Jacobus, Dominus de Downe; Clericus Registri; Computorum Rotulator; Murdocairny.

Mr John Craig and Mr John Duncanson to preach at Edinburgh, in lieu of Mr James Lawson and Mr Walter Balcanquhal.

"Forsamekle as it is understand to the Kingis Majestie and Lordis of Secreit Counsale that Maisteris James Lowsoun and Walter Balcanquell, ministeris of Edinburgh, ar laitlie departit and left thair place and charge committit to thame voyd, aganis thair dewitie and professioun, and the contract and band past betuix thame and the inhabitantis of the said burgh, ower quhais saullis they wer bund to be maist cairfull; moving heirby not onlie a sklander to the word of God, bot a contempt be thame, be thair behaviour utheruise, of his Majesteis authoritie and lawis: Quhairof his Hienes having consideratioun, and being cairfull, as becummis him of his princelie dewitie, to sie the glorie of God advanceit, trew doctrine teichit, and gude and godlie ministeris universallie establissit, and speciallie within the said burgh, quhair thair is greittest resort of his Majesteis gude subjectis: For this purpois, his Hienes, being alsua movit be the gude behaviour and trew and faythfull service of the inhabitantis of the said burgh, hes nominat, appointit and ordanit, and be the tennour of thir presentis, nominatis, appointis and ordanis, Maister Johnne Craig and Johnne Dunkesoun to remane within the said burgh for teiching and preiching of the word of God upoun the dayis and in the placis accustumat, as alsua to exercise all uther ecclesiasticall discipline, according to the word of God and lawis and statutis maid and establissit within this realme thairanent, and that thay on nawayis absent thameselffis thairfra, nor utheruise mak excuise in the contrair, as thay will answer to his Hienes upoun thair obedience."[1]

[1] This Act of Council is a recognition, from the Government point of view, of an incident which made a great stir at the time:—On Saturday, the 23rd of May, the Acts of the Parliament which had risen the previous day (*ante*, p. 665, footnote) were known in Edinburgh; and, as there was some anxiety as to comments upon them by the ministers of Edinburgh in their sermons next day, the Provost and Bailies had instructions to

Acta 1581-85. Fol 98, a. Robert Douglas, heir-apparent of Lochlevin, to be denounced rebel for not appearing before the Council as charged. To denounce Robert Douglas.

Caution by David Home, portioner of Blacader, as principal, and David Home, goodman of Swintoun, David Home of Nynewellis, and Ferdinand Home of Brumehous, as sureties for the said David, and for Johnne Home, another portioner of Blacader, and George Home, his brother, that Williame Ker of Ancrum, and Thomas Trottar in Quhitsum, his tenant and "taxisman," shall be harmless of the said portioners, under a penalty of 3000 merks each for David and Johnne, and of 2000 merks for George. Caution for David Home and others.

Caution in £100, by Captain Alexander Ramsay, "citiner of Brechin," for Johnne Maknab, trumpeter, that he shall appear before the Privy Council, when required, on fifteen days' warning: Williame Ramsay, trumpeter, and David Lichtoun, sergeant, becoming bound to relieve the cautioner, and David Moysie, notary, subscribing for the latter, "becaus I can not write." Edinburgh, 29th May. Caution for John Macnab, trumpeter.

Caution in £500, by Johnne Cokburne of Ormistoun, for Johnne Clappertoun, minister at Cawldstreme, that he shall appear before the Council upon six days' warning.—On the margin of the entry occurs this note, "Deleit be a warrand in writt subscrivit be his Majestie, his thesaurare and secretare, daitit at Haliruidhous the xvi day of Marche 1585." Edinburgh, 30th May. Caution for John Clapperton, minister at Coldstream.

Caution in 500 merks, by Robert Hammiltoun of Inchmachane, for Robert Bruce, younger, of Bynnie, that Johnne Ramsay in Bynnie, his bairns and servants, shall be harmless of him. Edinburgh, 3rd June. Caution for Robert Bruce.

Caution by Mr Robert Hammiltoun of Huikheid for James, Earl of Arrane, Sir James Hammiltoun of Crawfurdjohnne, and the other tenants of Lesmahago, that they shall pay to Thomas Weir, messenger, their share of the late taxation of £20,000. Edinburgh, 4th June. Caution for the Earl of Arran and others.

prevent comments by force if necessary. Nevertheless, Mr James Lawson and his colleague Mr Walter Balcanquhal spoke very freely on the interdicted subject from their pulpits, the Provost and Bailies thinking it better to delay interference till the proclamation of the Acts, which had been ordered for Monday, the 25th. On that day, when the Acts were proclaimed at the market cross, there were public protests there in legal form by Balcanquhal and Mr Robert Pont, by appointment for their brethren of the Presbytery, and in name of the Kirk of Scotland. "Arran made manie vowes that, if Mr James Lowson's head were as great as an hay stacke, he would cause it leape from his hawse [neck]" (Calderwood, iv. 65). Lawson and Balcanquhal were to have been arrested on the 28th, the very day of the present Act; but, after consultation with some of their brethren of the Presbytery, some of the principal people of their congregation, and some barons and gentlemen at hand, they had fled to England. They were in Berwick on the 27th. Lawson never returned to Scotland, but died in London in the following October; the career of Balcanquhal, who was a much younger man, extended to 1616.—Craig and Duncanson, substituted by the Council for the fugitives, were supposed, for the time at least, to be of more flexible temper.

Falkland, 6th June.

Sederunt—[not recorded]. Acta 1581–8

To denounce Mr Patrick Galloway.

Mr Patrik Galloway, minister at Perth, to be denounced rebel for not appearing before the Council as charged.

Caution for Malcolm Pringle and others.

Caution by Malcolme Hoppringill in Cottilferrie, one of the principals, and Johnne Hoppringle of Buckum, as surety for him, and for George Hoppringle in Mitchelstoun, James Hoppringill in Hoppringill, Johnne Turnbull of Symontoun, Hectour Turnbull and Mongo Turnbull, his sons, Robert Blakie in Heriotmylne, also principals, that Thomas Adinstoun of Carcant, his wife, bairns, tenants, and servants, shall be harmless of the foresaid persons, and especially that they shall not be troubled by them in their tack of the lands of Carcant, set to them on 21st October 1581 by Williame, Lord Borthuik, under the penalties of 1000 merks each for James Hoppringill, Malcolme Hoppringle, and Robert Blakie, and of 500 merks each for George Hoppringle, Johnne Turnbull, and Hectour and Mungo Turnbull. Fol. 98, b.

Falkland, 7th June.

Caution for Thomas Adinstoun in Carcant and others.

Caution by Thomas Adinstoun in Carcant, Williame Dewar of that Ilk, George Borthuik in Raschaw, Williame Dalgleisch in Cruikstounmylne Johnne Symsoun in Hangitschaw, Robert Hog in Ladysyde, Patrik Hog there, Archibald Hog there, as principals, and Wat Scot of Tuschelaw, as surety for them and for Johnne Johnstoun, son of Williame Johnstoun in Ladysyde, that Robert Blakie in Heriotmylne, his wife, bairns, tenants, and servants, shall be skaithless of the foresaid persons, under the penalties following:—1000 merks each for Adinstoun, Dewar, and Borthuik; 500 merks each for Dalgleisch and Symsoun; and 300 merks each for the three Hogs and Johnne Johnstoun.

Falkland, 9th June.

Sederunt—[not recorded].

Commission of Lieutenantcy in the south-eastern shires to the Earl of Rothes, the Commendator of Pittenweem, and Erskine of Gogar.

For remedy of the disturbances and enormities arising from "the bissy practizes of sindrie factious and seditious spreittis within the south pairtis of this realme, favouraris of the cheif authouris of the lait tressounable rebellioun," commission is hereby granted by his Majesty, with advice of his Council, "to his rycht traist cousing and counsalour, Andro, Erle of Rothes, severalie allane, and to the same Erle, Williame, commendatar of Pittinweme, and Alexander Erskin of Gogar, conjunctlie, the said Erle being alwayis ane," to hold court or courts within the shires of Berwik, Roxburgh, Peoblis, Selkirk, Edinburgh principal, Linlythgow, and constabulary of Hadingtoun, in any place they shall think expedient, and to apprehend, imprison, and try by assise in such court or courts, all persons suspected of foreknowledge and concealing, art and part, of "the lait dampnable interpryis attemptit at his Hienes burgh and castell of Striviling;" also all resetters or intercommuners by word or message with the agents of that enterprise since the proclamation to the contrary; "as lykwise quhat- Fol. 99, a

Acta 1581–85. sumevir personis, of quhat degrie, calling or qualitie thay be of, spirituall or temporall, that dar presume or tak upoun hand, publictlie or privilie, to impugne, ganesay, calumpniat, be word or write, his Hienes lawis and Actis of Parliament, or refuis thair obedience thairto,"—ministering justice upon the same according as they may be found culpable or innocent. The lieutenants so commissioned are to have power to appoint deputes and other officers; also "to convene all and sindrie erllis, lordis, baronis, and frehaldaris within the saidis boundis, for consultatioun toward the furthsetting of his Majesteis service;" also to make open proclamation, in the form used by his Majesty, for armed musters of these and the other lieges, and to lead and conduct such musters, "and, as neid beis, to display his Majesteis banner;" also to "charge disorderit personis to compeir befoir thame for taiking of suirtie of thame for gude reull, under the pane of rebellioun and putting of thame to the horne, and, gif thay failyie, to caus denunce thame thairto;" also to "charge and summond suspect houssis, stuffit and detenit aganis his Hienes authoritie, to rander, under the pane of rebellioun and tressoun, and, in caice of resistance, to assege the same be fire and sword." For deaths or mutilations of rebels, or destruction and spoliation of property, done in execution of this commission, the lieutenants and their deputes and officers are exonerated beforehand; and to their other powers is added that of charging "personis at variaunce" to give pecuniary sureties for the keeping of the King's peace among themselves, under pain of rebellion if they refuse. The commission ends thus:—"And generallie all uther thingis to do, use, and exerce, that to the office of ane Lieutennant and Justice is knawin to pertene."

Widow of the late Lord Torphichen, and her present husband, Mr John Graham of Hallyards, against the minister of Torphichen.

Complaint of "Dame Murray, relict of umquhile James, Lord Torphechin, and Maister Johnne Grahame of Halyairdis, now hir spous, for thameselffis and in name and behalf of thair tennentis, occupiaris and laboureris of thair landis and barony of Torphechin," as follows:—Master Robert Hodge, "alledgeand him to be appointit minister at the kirk of Torphechin, and to have assignit to him for his travellis and cuir thairat thrie chalder meill, ane chalder beir, to be payit be the Lord Torphechin, taxismen or parochineris thairof, and out of the thrid of the vicarage of Torphechin sevin pundis xvii ß. x đ. 3 part đ.," has raised an action against the complainers, and the tenants and parishioners aforesaid, for "payment to him of the said stipend, victuell, and sylver of the crop and yeir of God j^{m}v^{c}lxxxiii yeiris, within ten dayis nixt efter the charge," and intends, as they are informed, to put them to the horn for non-payment. Now, "the landis and lordschip of Torphechin, with divers utheris annext thairto, wer set be our Soverane Lordis derrest mother to the said umquhile Lord, thair predecessour, his airis and assignais, unit in ane frie barony, for pament of ane certane yeirlie few, dew to his Hienes and his successouris for the samin; be the quhilk infeftment alsua the lordis of Torphechin, thair airis and successouris, quhomefra the saidis complineris now hes the rycht, ar exemit fra all taxationis, taxtis, stentis, contributionis, or utheris bur-

dingis and impositionis quhatsumevir, and fra all jurisdictionis, ordinar and extraordinar, befoir quhatsumevir judge or judges within this realme, except befoir the Kingis Majestie and Lordis of Secreit Counsale allanerlie." According to this infeftment, "thair predecessouris and thay hes bene frie of ony payment of ministeris thrid, nor on na wayis ar nor may subject thairto." Moreover, "the said benefice has nevir bene in assumptioun; quhairthrow the generall-collectour and utheris of the place, quha hes laitlie on thair pretendit maner assignit and modifeit the said stipend as said is, hes usurpit ane pretendit power." On these grounds it is represented that the letters of horning raised against them ought to be suspended.—James, Lord Doun, collector-general, and the said Mr Robert Hodge, though lawfully summoned, having failed to appear, and the pursuers being represented by Mr George Young, the decree of the Lords is that the said letters of horning be suspended. Acta 1581 Fol. 99, b

Twenty-eight persons to be denounced rebels for non-appearance.

The following persons to be denounced rebels for not appearing before the Council as charged:—Patrik Broun, flesher, burgess of Linlythgow; Johnne Levingstoun, apparent of Donypace; Henry Ogilvy, apparent of Ballinscho; Alexander Ogilvie, son of Johnne Ogilvie of Innerquharitie; Johnne, Master of Forbes; Mr Arthour Forbes, his servant; Michaell Elphingstoun, brother of Robert, Lord Elphingstoun; George Crawmond, son of the Laird of Auldbar; Johnne Leslie, called Johnne of Bannaquhy; Barnard Lindsay of Englishberrie Grange; Johnne Dowglas of Glaspen; James Douglas of Todhollis; Williame Carmichaell of Rantriecors; Walter Carmichaell of the Park; George Dowglas of Parkheid; James Douglas and George Douglas, his sons; Hectour Douglas, called Reid Heckie; James Young of the Corse; Mark Young, his brother; Mr David Home, brother of the Laird of Wedderburne; Johnne Ker, son of the Laird of Greneheid; James Cunninghame in Caverca; William Colvile and Thomas Colvile, brothers of Robert Colvile of Cleische; Johnne Muschet, sheriff-clerk of Striviling; Christell Seytoun, brother of the Laird of Towch; and Williame Brog, barber in Striviling [see *ante*, p. 664].

Charge to William Elphinston.

Williame Elphingstoun, brother of Robert, Lord Elphingstoun, to enter in ward within the bounds of Abirdeneshire, and remain there till relieved, within four days after being charged, under pain of rebellion. Fol. 100,

Concerning the escheat of George Douglas.

Johnne Logane of Cowstoun appears before the King and Council, and renounces in his Majesty's hands the gift made to him by the King of the escheat goods of George Douglas, son of George Douglas of Parkheid, now a rebel, this renunciation being in favour of James Cleland, servitor to the Earl of Arrane, to the effect that the King's gift to the said James and his heirs may be "past and exped."

Although the lands and "heretabill tennendreis unredimabill" of divers vassals of Archibald, sometime Earl of Angus, the late Earl of Gowry, the Fol. 103,

Acta 1581-85. Earl of Mar, the Master of Glammis, and their accomplices in the late rebellion, "ar alreddy fallin, or lyke schortlie to fall, under the like perrell and dangeare as thair superiouris, and may be intromettit with and applyit to the Kingis Majesteis awin use," yet his Highness, continuing his clemency to his subjects that have not partaken in the rebellion, and unwilling that any such should "sustene utter wrak or tinsell be the occasioun or fault of thair superiouris," has ordained the treasurer and his assistant compositors, on desire of the said vassals, "to compone with thame for confirmatioun of thair infeftmentis, or for new infeftment, to be haldin immediatlie of his Majestie," provided the application is made before the 10th of August next. General proclamation is therefore ordered to that effect, certifying those that do not apply before the said day that "thair saidis tennendreis salbe annext to the Kingis Majesteis propirtie as his propir rent, or utheruise disponit as his Hienes, be the advise of the thesaurar and compositouris foirsaidis, sall think gude."

In favour of persons desiring confirmations or new infeftments of their lands held of the late rebels. Falkland, 10th June.

Sederunt—Ut in die predicto.

Fol. 100, a. The Earl of Montrois having, according to commission given to him, apprehended George, Bishop of Murray, and presented him before the Lords this day, the King and Council declare that the said Earl "hes done gude and thankfull service to his Majestie" in this business, and exonerate him of his commission. "The same day," the said Bishop was delivered to George, Earl of Huntlie, and Mr Thomas Gordoun, "his fader broder," who promiseto keep him "in suirtie" and deliver him up when required.

Earl of Montrose and Bishop of Moray.

Caution in £2000 by Paull Dog of Dunrobin and Nicoll Carnecors of Calfhill for Robert Dowglas of Coschogill, that he shall behave himself dutifully, shall not reset or intercommune with the traitors and rebels, and shall appear before the Council on fifteen days' warning. (Deleted by a warrant passed in Council, subscribed by the Master of Glammis, the treasurer, and the secretary, and dated 18th April 1586: J. Andro).

Caution for Robert Douglas of Coschogill.

Sederunt—Ut in die predicto.

Falkland, 11th June.

Inasmuch as "the haill cornis, cattell, debtis, takis, steidingis, rowmes, possessionis, actis, contractis, actionis, obligationis, sentencis, decreittis, insicht, artailyierie, plenissing of houssis, jowellis, gold, sylver, and utheris gudis and geir quhatsumevir, quhilkis pertenit to umquhile Williame, sumtyme Erle of Gowry, ar now fallin and becum in our Soverane Lordis handis and at his Hienes dispositioun be the lawis of this realme, throw being of the said sumtyme Erle foirfaltit and execute to the deid for certane crymes of tressoun and lesemajestie," therefore, and because his Majesty has granted to James, Earl of Arrane, the gift of the escheat of all the goods foresaid found besouth the water of Forth,—viz., within the lands

Charge for inbringing to the Earl of Arran of the escheat goods of the late Earl of Gowrie.

Fol. 100, b. and barony of Ballerno and Newtoun, the lands and fortalice of Cousland,

the lands, barony, and fortalice of Dirltoun, the lands and baronies of Hassingtoun, Haliburtoun, Boltoun, and Middle Fentoun, or anywhere else south of the water of Forth,—charge is hereby given to officers of arms to seize the foresaid escheat goods, and deliver the same to the Earl of Arrane, "to be usit and disponit be him, as donatour thairto, at his pleasour," with power, to that effect, "to mak oppin durris and lokfast lumes patent, and use his Hienes keyis thairto als oft as neid beis." Acta 1581

Falkland, 12th June.

Sederunt—[not recorded].

Proclamation to be in readiness for a march to the Borders, now disturbed by the fugitive chiefs of the late rebellion.

The chiefs of the late rebellion having "travellit be all meanis possible to animat and steir up his Hienes subjectis to rebellioun and uproir aganis his Majestie and his authoritie, and specialie the Bordouris and brokin men thairof," and having also, "be thair dealing with the brokin men of the Bordouris opposite," made themselves "thocht to be pertineris in the reiffis and spoiles committit dalie aganis thair native cuntrie,"—all which, and their other unnatural behaviour since their flight, "dalie tending, be brek and mutual incursionis of ather Bordouris, gif it be possible, to suscitat oppin weir, thairby to dissolve the amitie and gude intelligence happelie continewed thir mony yeiris betuix thir twa Crownes, and to disturb the quiet estait of this haill Ile;" which is "far aganis the intentioun and gude meaning of baith the Princes, quhome blude, religioun, and naturall amitie hes happelie conjonit,"—proclamation is therefore ordered at all the market crosses, charging the fencibles to be ready with forty days' provision upon six days' warning, at the next proclamation, "to be togidder and marche fordwart as thay salbe commandit, to accumpany his Majestie and his lieutennentis to the Bordouris," under pain of loss of life, lands, and goods.

Falkland, 16th June. Caution for David Lumsden.

Caution by Williame Fairny of that Ilk for David Lummisdane, son of James Lummisden of Rikilsyde, that he shall restore to Williame Broun, merchant in Haymouth, as much corn as he had taken from him, or else the value in money.

Edinburgh, 24th June.

Sederunt—Ut in die predicto.

Order to denounce Robert Blakie and others.

Complaint of Williame Dewar of that Ilk, George Borthuik in the Rawschaw, Williame Cranstoun in the Ladysyde, Patrik Cranstoun, his brother, Johnne Symsoun in Hangitschaw, Robert Hog, Patrik Hog, Archibald Hog, and Johnne Johnstoun, in the Ladysyde, and Williame Dalgleische in Cruikstounmylne, that Robert Blakie in Heriotmylne, Johnne Turnbull inSymontoun, Mungo and Hectour Turnbull, his sons, and James Hoppringle in Hoppringle, with their accomplices, illegally armed, "dalie and continewalie trublis and molestis the saidis complineris, thair servandis and tennentis, in the peciable possessioun of thair landis and Fol. 101,

Acta 1581-85. maillingis; hurtis, woundis, and slayis thair gudis being pasturand thairupoun; imputis thair gudis upoun the saidis complineris cornis and gers, and eittis and distroyis the samin in greit quantitie; as alsua hes, within this schort tyme bypast, hurt, and woundit divers of thair servandis and tennentis, and continewallie bostis and minessis thame in sic sort as thai dar not laubour thair landis." The said Williame Cranstoun appearing for himself and the other complainers, but the defenders not appearing as charged, the order is to denounce them rebels.

Stewart of Caverston admitted of the Council.

Williame Stewart of Caverstoun is admitted to be of the Privy Council, and gives the usual oath [see *ante, e.g.*, p. 458].[1]

Caution for Walter Ker of Littledean

Caution in £2000, by Johnne Edmestoun of that Ilk, for Walter Ker of Litilden, and Johnne Ker, his son and apparent heir, that they and those for whom they are answerable by the general band, shall not favour, reset, or intercommune with Andro Manderstoun, who is at the horn at the instance of James Giffert of Schirefhall.

Edinburgh, 25th June. Caution for Robert Blakie and others.

Caution by George Prestoun of Camroun and James Hoppringill in Hoppringle, for Robert Blakie in Heriotmylne, Johnne Turnbull in Symontoun, Hector Turnbull there, and Mungo Turnbull in Yorstoun, that Williame Dewar of that Ilk, George Borthuik in the Raschaw, Patrik Cranstoun, brother of Williame Cranstoun in Ladysyde, Johnne Symsoun in Hangitschaw, Robert Hog, Patrik Hog, Archibald Hog, Johnne Johnstoun in Ladysyde, and Williame Dalglesche in Cruikstounmylne, their wives, bairns, tenants and servants, shall be harmless of them, under the penalties following:—500 merks for Robert Blakie, and 300 merks for each of the rest, Johnne Andro subscribing for James Hoppringle in Hoppringle, "becaus I can not write" [see *ante*, p. 674].

Edinburgh, 29th June. Caution for John Archibald, younger, in Dudingston.

Caution in £100, by James Hammiltoun, son and apparent heir of Mathow Hammiltoun of Philpstoun, and Johnne Kennedy in Edinburgh, for Johnne Archibald, younger, in Dudingstoun, that David Dundas of Preistisinsche, Gawen Young, James Levirrance, James Grenelaw, and other tenants of the said David, of the lands in Wester Dudingstoun, shall be harmless of him, especially in the peaceable possession of the said David's four oxengang of land in Dudingstoun. David Moysie, notary, subscribes for James Hammiltoun, who cannot write.

Fol. 101, b. Caution for David Dundas of Priestsinch.

Registration by Robert Ramsay, as procurator for the parties, of a band of caution in 500 merks by David Dundas of Preistisinsche, as principal, and Johnne Mowbray of Barnbowgall, as surety for him, that Johnne

[1] This Border laird, at least the third "William Stewart" of importance in the Register about this time, was probably brought into the Council for his Border experience (see vol. ii. p. 454).

Archibald, son of the late Johnne Archibald in Dudingstoun, shall be harmless of the said David and his friends. The band is subscribed at Barnbowgall, on the 28th June 1584, before these witnesses: Antonie Pampillon, Frenchman, servitor to the said Johnne Mowbray, Robert Ramsay, notary, and Johnne Wricht. Acta 1581-

Falkland, 4th July.

Sederunt—Jacobus, Comes de Arrane;[1] Joannes, Comes de Montrois; Andreas, Comes de Rothes; Dominus de Thirlstane; Clericus Registri; Computorum Rotulator; Murdocairny; Master of Requests.

In the case of William Fairlie against Adam Fullarton.

In resumed action of Williame Fairlie, burgess of Edinburgh, against Adam Foullartoun, burgess of the same [*ante*, p. 558], both parties appearing personally, and their "ressonis and allegationis, togidder with sum writtis and depositionis of certane personis," having been heard and considered, the Lords charge the said Adam to deliver to Williame Fairlie the "saidis nyne merkis and twa unce wecht of Spanyie ryellis, or the said sowme of xxxvii ß. for ilk unce thairof," within ten days after being charged, under pain of rebellion, because the said Williame has proved his claim sufficiently.

Falkland, 8th July.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Dominus de Thirlstane; Computorum Rotulator; Murdocairny; Master of Requests.

Caution for Andrew Lyell and John Justice.

Caution in 500 merks by David Wemis of that Ilk for the entry of Andro Lyell, "greif" in Elcho, and Johnne Justice there, before the Council on six days' warning. Fol. 102,

Falkland, 9th July.

Sederunt—Ut in die predicto.

Act for reviving Wapinshawings.

"The Kingis Majestie and Lordis of his Secreit Counsale, remembering of the lovable lawis and Actis of Parliament maid be his Hienes maist nobill progenitouris, and speciallie his derrest gudsyre King James the Fyft, of worthie memorie, anent the making of wapinschawingis twise in the yeir [Acts of Parl., 1540, chaps. 21, 23–6, ii. 362, 363], and how necessar the exerceing thairof is, alsweill in tyme of peax as weir: thairfoir ordanis letters to be direct to officiaris of armes, shereffis in that pairt, chargeing thame to pas and in his Hienes name and authoritie command and charge all and

[1] Although the Act of Parliament confirming Arran in the Chancellorship in the absence of the Earl of Argyle had been passed May 22, 1584 (*ante*, p. 665), it is only from this point that Arran's name is put always first in the sederunts of Council at which he was present. He was now at the height of his power, virtually Chancellor in full and therefore President in Parliament, in the Privy Council, and in the Court of Session, besides being Provost of the City of Edinburgh, Governor of the Castles of Edinburgh and Stirling, and Lieutenant-General of the Kingdom.—Montrose, it is to be remembered, was now Lord Treasurer, with Sir Robert Melville of Murdocairney for Treasurer-depute; and Maitland of Thirlstane was Secretary (*ante*, p. 665).

Acta 1581-85. sindrie shereffis, stewartis, baillies, and lordis of regaliteis within this realme, provestis, aldermen, and baillies of burrowis, to proclame wapinschawingis to be maid twyis in the yeir outthrow all the realme, and to command and charge all and sindrie his Hienes liegis and subdittis to convene at wapinschawingis, and mak thair musteris in armes in sic places as salbe appointit to thame in the saidis proclamationis; and that the first wapinschawing be maid in every place upoun the tent day of August nix to cum, and the nixt wapinschawing upoun the tent day of October nix to cum; and that the said musteris be taikin be the shereffis, stewartis, baillies, lordis of regaliteis, provestis, aldermen, and baillies of burrowis, or utheris commissaris quhom his Majestie pleissis to appoint to that effect, eftir the forme of the actis and proclamationis past thairupoun of befoir, and under the panis contenit in the same."

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Dominus de Thirlstane; Dominus de Down; Computorum Rotulator; Murdocairny; Master of Requests. Falkland, 10th July.

Certain persons to be put to an assize on a charge of fire-raising.

Ordered that Andro Merser of Drumcapie, Henry Merser and Robert Merser, his sons, James Blakwod, minister of Sawling, James Blakwod, his son, and James Rolland and Ritchart Biggum, shall be tried by an assise on the 24th of July instant, "for the alledgit tressounable raising of fyir and birning of the houssis of Nethir Kinnader in the moneth of Junii last bipast,"—the justice or his deputes to summon the assise, and his Majesty's advocate to "insist in persute of thame at the samin day, as use is." Further, "becaus the foirsaidis houssis ar alledgit to appertene to Durie of that Ilk, or to Andro Rolland of Over Kynnader," these two are to be charged "to persew the saidis personis for the said cryme at the day abonementionat," with certification that, if they fail, "sa mony of the saidis personis as wer committit to ward and detenit in captive for the samin cryme salbe put to libertie."

Sederunt—Ut in die predicto. Falkland, 13th July

Band for Lord Somerville and others.

Registration by Mr Alexander Sym, procurator for the parties, of a band of caution in £500 by Hew, Lord Somervile, one of the principals, and David Somervile of Plane, as surety for him, and for Williame, Master of Somervile, David Somervile, his servant, Williame Menzeis, servitor to the said Lord, Robert Watsoun in Carnweth, Andro Schaw, "cuke," Williame Meldrum, and Johnne Slowane, also his servants, Andro Proudfute, Williame Brockart in Gairduodend, and Williame Proudfute there, likewise principals, that Williame Grahame in Eirdhous, his wife, bairns, tenants, and servants, shall be harmless of them in persons, lands, and goods. The band is subscribed at Plane and Coirthelie, on the 9th and 10th of July 1584, before these witnesses: Thomas Sommervile, servant to David Sommervile of Plane, Hew Sommervile, servant to the said Lord

Sommervile, Thomas Cuthill, notary public, and Thomas King, notary. Acta 1581-

Appeal to the King's tenants in Fife for assistance in repairing Falkland Palace.

"Forsamekle as the Kingis Majesteis palice of Falkland necessarlie requiris to be presentlie bett and reparit in the thak thairof, and becaus thair is sklaittis, lyme, sand, and tymmer to be transportit and careit to his said palice for the effect foirsaid, his Majestie ordanis and commandis his stewart and chalmerlane of Fyfe, that thai require his tennentis and fewaris of the erldome of Fyfe, in the placis and rowmes maist ewest and commodious, at thair gude discretioun, to carie the sklaittis, skailyie, lyme, sand, and tymmer, fra the coist sydes and uther pairtis quhair the same presentlie remanis, to his said palice, with all gudlie diligence, for the furtherance of his Hienes werk and reparatioun foirsaid, and that of thair awin gudwill and benevolence, and not as ony service or dewitie quhairunto thay ar astrictit be thair infeftmentis: Quhilk his Majestie will accept as a gratitude at this tyme of his said tennentis and fewaris; promitting, *in verbo principis*, be avise of the Lordis of Secreit Counsale, that the same sall import na preparative nor prejudice to thame in tyme cumming: And that the saidis stewart and chalmerlane report alwayis to his Majestie and Counsale quha obeyis his Majesteis ressounable requeist benevolentlie, and quha dissobeyis the same, as thay will answer upoun thair dewitie and diligence in that behalf." Fol. 102 b.

Edinburgh, 17th July.

Caution for certain "induellaris" in Edinburgh.

Caution in 500 merks, by Mungo Scott, burgess of Edinburgh, for Johnne Harlaw, sadler; in 1000 merks, by Johnne Thomsoun, "litstar," burgess of Edinburgh, for Thomas Sommervile, burgess of the same; in 500 merks, by Johnne Bannatyne, skinner, for Alexander Thomsoun, skinner; in £500, by Umphra Gray, merchant, for Johnne M°Quhirrie. The caution for these persons is "that thay sall reverence, acknawledge, and obey the Kingis Majestie as thair Soverane Lord and King, and the provest and baillies of Edinburgh, present and to cum, as his Hienes officiaris;" and especially "that thay sall not murmour nor repyne aganis his Majesteis lawis and Actis of Parliament, bot to thair utter poweris furthsett and execute the same aganis quhatsumevir personis, spirituall or temporall, without exceptioun," and shall not reset or intercommune with the King's traitors and rebels. Also they are to appear before the Council when required upon six day's warning.

Edinburgh, 21st July.

Sederunt—Ut in die predicto.

Commendator of Dundrennan to ward himself.

Edward Maxwell, Commendator of Dundrennane, commanded to enter in ward in the castle of Blaknes within twenty-four hours after being charged, and to remain there till freed, under pain of rebellion: the Secretary to direct his letters for the receipt of the Commendator within the said castle.

Acta 1581–85.

Sederunt—Ut in die predicto. Edinburgh, 25th July.

The said Commendator of Dundrennan having contemptuously disobeyed the charge of the preceding minute, "be his wilfull depairting hame, or in sum uther pairt of the cuntrie," the order now is to denounce him rebel and put him to the horn. Commendator of Dundrennan denounced.

Fol. 103, a.

Caution in 500 merks, by Johnne Cunningehame of Cunninghamheid, for James Cunninghame, pensioner of Lesmahago, that he shall not hurt Johnne Weir, servant of Robert Lindsay of Dunrod, Jonet Weir, his mother, or his wife, bairns, or servants. Edinburgh, 26th July. Caution for James Cunningham.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Thirlstane; Dominus de Blarquhane; Dominus de Caprintoun; Bellenden; Sir Robert Melvill; Clericus Registri. Edinburgh, 27th July.

Registration by Sir James Hume of Coldenknowis of a letter beginning, "Rex: We, be the tennour heirof, with avise of our Secreit Counsale," and subscribed by the King at Falkland on the 17th of July 1584: which letter absolves Sir James from his ward in Edinburgh "and within foure myle about," gives him liberty to go to any place within this realm, and discharges his cautioners of "skaith nor danger thairfoir." Letter of the King, relieving Sir James Home of Coldenknowes of his ward.

Sederunt—Ut in die predicto. Falkland, 28th July.

As the "plague of pestilence, laitlie brocht within this realme be a certane creare quhilk arryvit at the Wester Wemys, is now sa vehementlie incressit within the toun thairof, and in sum uther partis of the cuntrie about, as the samin is lyklie to infect mair and mair, and to spreid throu all pairtis of the cuntrey, gif God of his greit mercy put not to his helping hand," proclamation is ordered at the market crosses of the head burghs of the realm, charging the "puir people, beggaris, and ydell personis, inhabitantis and hantand in every parochin, to contene thameselffis quietlie in sic placis as thay ar accustumat within the parochin quhair thay duell or hant, and on nawayis to repair or resort furth of the samin to ony uther pairtis of the cuntrey for quhatsumevir caus in tyme cuming, under the pane of deid;" also charging sheriffs, stewards, provosts, bailies, lords of regalities and their bailies, to search for poor people and beggars transgressing this ordinance, "and to punische thame to the deid, as said is," this ordinance to be their warrant: further, "to the effect that nane of the said puir people have occasioun to repair furth of thair parochynnis," charging magistrates, barons, gentlemen, and other honest men of every parish "of thair cheritie to beit, help, furneis, and interteny the puir of thair parochin, within sic pairtis thairof as thay think maist expedient, with meit, drink, and sic uther reasounable intertenyment as is requisite." Regulations against spread of the Plague.

In addition, charge is to be given to all the lieges, of whatever condition, Acta 1581-
"that nane of thame tak upoun hand to repair toward the place of his Fol. 103,
Majesteis residence for the tyme, nor onie uther pairt or place of the cuntrey, without a sufficient testimoniall quhairfra thay come last, to be presentit to the keparis of the townis, pairtis, or portis quhatsumevir, quhair thay sal happin to entir in or ar bound unto, declaring thame to be unsuspect of the said infectioun, and to have reparit fra clene and unsuspect pairtis of the cuntrey, under the foirsaid pane of deid." And, finally, all sheriffs and magistrates "within quhais boundis the said pest sal happin thairefter to brek out" are to send speedy advertisement of the same to the King and Council.

Edinburgh, 29th July.
Caution for Thomas Anderson and others.

Caution by Mr Archibald Wilkie in the Cannongait, and Robert Andirsoun, maltman, burgess of Edinburgh, that Thomas Andirsoun, elder, in Mortoun, James Blak in the Kirktoun, Alexander Lawder in Ratho, James Young there, and Robert Aitken there, shall appear before the Council when required upon fifteen days' warning, each under a penalty of 100 merks.

Falkland, 30th July.

Sederunt—Ut in die predicto.

To denounce Robert M°Richie and others.

Robert M°Richie of Dalmonzie in Stratharle, Duncane Cattanach, his son there, Gawin Cattanach in Leanoch there, and Johnne M°Chomay, younger, in Fonykynd there, having been summoned to appear before the Privy Council, the first three are to be denounced rebels for not appearing.

Edinburgh, 1st August.
Caution for the Dean of Moray.

Caution in 3000 merks, by Alexander Dumbar, dean of Murray, as principal, and Andro Monro of Newmoir, as surety, that Patrik Dumbar of Blarie, his wife, bairns, tenants, and servants, shall be harmless of the said Alexander.

Cautions for three Dunbars.

Caution in 3000 merks, by Patrik Dumbar of Blarie, as principal, and Colene M°Kanizie of Kintaill, as surety; caution in 3000 merks, by David Fol. 104, a
Dumbar in Kilstarie, as principal, and Patrik Dumbar of Blarie, as surety; and caution in 4000 merks by George Dumbar in Alves, as principal, and Andro Monro of Newmoir, as surety: that the said Dean of Murray, his wife, bairns, tenants, and servants shall be harmless of the said principals.

Edinburgh, 3rd August.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Commendatarius de Pettinweme; Sir Robert Melvile; Segy; Thirlstane; Clericus Registri; Advocatus.

Prorogation of the time for the inbringing of the small coins.

As, notwithstanding the charge to the lieges having in their hands 12d. pieces, bawbees, placks, 3d. groats and half groats, to bring the same to the master cunyeor before 1st of July last, to be coined into new money, he delivering therefor shilling for shilling in the said new money [*ante*, p. 627], divers of the said lieges still "driftis and delayis to inbring the saidis

Acta 1581–85. kyndis of allayed money," his Majesty, though he "hes just caus presentlie to discharge presentlie the cours of the saidis pieces and utherwise to puneis the personis with quhome thay remane," has yet, of his clemency, "thocht gude of new to prorogat the inbringing of the saidis peces in this maner: that is to say, for all pairtis and boundis of this realme distant the space of twenty mylis fra the burgh of Edinburgh, unto the fyftene day of October nix to cum." Proclamation to this effect is to be made at the
Fol. 104, b. market crosses of the head burghs, with prohibition of use of the said pieces in currency after the said date, under pain of treason, and with orders to the authorities to apprehend offenders and keep them in custody for punishment.

Order to denounce William Pyott.

Complaint of Elspett Gairdin, relict of the late Alexander Pyot of Soffartie, and Andro Skrymgeour, now her spouse, for his interest, as follows:—Although the first complainer "hes all and haill the place and landis of Soffartie pertening to hir in conjunctfie or lifrent," and has been in possession of the same since her late husband's death, yet, in the month of March last, "Williame Pyot, broder to hir said umquhile spous, mynding to truble and oppres hir," with three or four "vagaboundis and brokin men, his complices, quhais names ar unknawin to hir," in his company, had "come to hir duelling place of Soffartie, and thair violentlie and be way of deid brak the yett thairof, enterit thairin perforce, and reft, spuilyeit, and awaytuke furth thairof certane feddir beddis and bousteris pertening to hir, and schortlie thaireftir violentlie lykwise brak the dure of hir brew-hous, enterit within the samin, and brak and distroyed hir haill brewing lumes being thairin, tirrit and reft doun the faill and thak of hir barnis and byris, and reft and awaytuke certane cornis being in hir barne for the tyme, and schamefullie and cruellie struke and dang ane boy, servand of hirris, to the effusioun of his blude in greit quantitie." Further, with the same companions, on the 4th of July last, he had come to the dwelling houses of her cottars and tenants in Soffartie, "and thair boistit, struke, and minassit thame, in sic sort as, for feir of thair lyvis, thay compellit thame to gif him a contentatioun of geir to desist fra forder troubling of thame; lyke as thay brak doun hir fauld dykes and put on hir awin gudis upoun hir cornis and gres, and held thame thairon quhill thay eit and distroyit a greit quantitie thairof, to hir greit hurt and skaith."—Charge having been given to Williame Pyot to appear and answer, and Johnne Skrymgeour of Glaswell appearing for the complainers, but Pyot not appearing, the order is to denounce him rebel.

Falkland, 4th August.

Sederunt—Ut in die predicto.

Adame Foullartoun, burgess of Edinburgh, has lately "discoverit a plat and meane quhairby his Majestie not only may import a greit proffeit and commoditie without prejudice of the commounwele, bot als his Hienes subjectis dalie offending aganis his Majesteis lawis and Actis of Parliament

Order for compensations and repayments to Adam Fullarton out of the proceeds of a "plat and overture" of his, of which the King thinks well.

may thairby be chalangeit and reduceit to the acknawledgeing of thair offences." The King and Council "respecting the greit dampnage and skaith sustenit be him throw the dimolisching and shuting doun of his ludgeing within the burgh of Edinburgh, being the chief strenth thairof, the tyme of the civile weir betuix Leith and Edinburgh, quhilk wes done be his Hienes awin ordinance, in the persute of his Majesteis enemeis for the tyme [vol. ii. p. 78]; and understanding alsua divers sowmes of money to be awand to the said Adame, debursit be him at the command of his Hienes regentis for the furnissing of thingis requisite to the avancement of his Majesteis service, viz., the sowme of viii^{c}lxxiii ℔. the tyme of umquhile James, Erll of Murray, regent, vi^{c} and l ℔. the tyme of his Hienes gudsire, and four hundreth and xxv ℔. in the tyme of umquhile Johnne, Erle of Mar, regent, as the particular comptis thairof beiris; and, last of all, considering the gude, trew and thankfull service done to his Majestie at all tymes be the said Adame sen his Hienes coronatioun, and his gudwill and affectioun yit continewing to the forder avancement of his Hienes authoritie and service, declarit be the said lait ovirtour maid be him, being a thing lyklie and necessar to be followit out, and that he cravis onlie to be recompancit of his said dampnage and of the saidis sowmes awand to him be the commoditie to be importit throu the executioun of the said plat and na utherwise:" —therefore his Majesty, with advice of his Council, has appointed his "weilbelovittis," Williame, Commendator of Pittinweme, Sir Robert Melvile of Murdocairny, and Alexander Hay, Clerk of Register, to estimate in silver the damage sustained by Foullartoun, "throu the douncasting of his said ludgeing," and "promittis faythfullie, in the word of a Prince," to make payment to Foullartoun of this sum, together with the foresaid particular sums of money, out of the "proffeit and sylver to be importit be the executioun of thingis contenit in the said plat and ovirtour," and this "in maner following;—that is to say, his Majestie, or his thesaurar in his Hienes name, to intromet with the ane half of the said proffeit, and the said Adame with the uther half, ay and quhill he be compleitlie payit of the saidis sowmes and dampnage to be modifeit as said is." Moreover, "seing the said Adames service in discovering the said plat is notable, and merittis ane honest rewaird besyde the payment of his just debt, his Majestie promittis be thir presentis to gratifie him be sum casualitie, as occasioun salbe offerit, according to his gude and worthie deservingis."[1]

Acta 1581-

Fol. 105 a.

Falkland, 9th August.

Caution for Robert Kinloch.

Caution by Robert Kinloch in Crummy, as principal, and David Scott of Kynntulloch, in Falkland, as surety for him, that the ship called Jonas of Birkuls . , or the value of it, shall be forthcoming to all parties having interest therein, Johnne Andro subscribing for the said Robert.

Edinburgh, 24th August.

Sederunt—Jacobus, Arranie Comes; Joannes, Comes de Montrois;

[1] For notices of Fullarton see various pages of vol. ii. of Register, as per Index there; also *ante*, pp. 558, 676. He had speculated in mines (vol. ii. 507); and his present "plat" seems to have been some project of mining or minting.

Acta 1581-85.

David, Comes de Craufurd; Andreas, Comes de Rothes; Joannes, Comes de Mortoun; Dominus de Downe; Dominus de Thirlstane; Episcopus de Sanctandrois;[1] Commendatarius de Pittinweme; Clericus Registri; Clericus Justiciarie; Computorum Rotulator; Segie; Murdocairny; Advocatus.

Order to denounce Patrick, Thomas, and Robert Bryson.

Complaint of Petir Stoddert, and Jonet Scherar, his spous, servitors to the Lord Methven, as follows:—On Midsummer day last, "he and his said spous past to Sanct Johnstoun to the mercat for doing of thair lefull effairis and bissines;" and "efter thai had endit thair turnis" they were returning home "at fyve houris eftirnone or thairby," when "Thomas and Patrik Brysonnis, sonis to Robert Brysoun in Drumharrow, tennentis to Andro, Erll of Erroll, duelland in the barony of Logyalmond, with thair complices, bodin with swordis and utheris wapynnis invasive, perceaving the said Petir to be single, invadit him and his said spous upoun the streit without the hie gait port of the said burgh, and persewit thame of thair lyvis, and woundit thame in sindrie partis of thair body, to the effusioun of thair blude and perrell of thair lyfe." Further, "not having satiat thair hartis with this enorme forme of dealing," the said Peter and his spouse "being alreddy left for deid," they "spuilyeit thame of thair haill money, gudis and geir," which they had with them, and carried the same to their father's house in Drumharrow; "quha ressett thame notwithstanding thair saidis misdeidis." Even yet "thay persew the said Peter and his spous quhair thai find occasioun, sua that thay dar not hant nor repair in thair duelling houssis as our Soverane Lordis frie liegis for feir of thair lyfis."—Parties having been called, and the complainers appearing personally, but the defendants having neglected the charge to appear, the order is that the said Patrik and Thomas Brysoun, with their father, be denounced rebels.

Regulations for new gold coins.

Parliament having ordained the coining of two gold pieces, one of 6 pieces in the oz. 21½ carats of fineness, and to have course for £3, 15s., the other of 9 in the oz. of the weight of the crown, of the same fineness, and to be current at 50s., but having remitted consideration of the "forme and circumscriptioun thairof, with the remedy of wecht and fynes," to the Lords of the Privy Council [Acts of Parl., 1584, c. 29, iii. 311], it is now
Fol. 105, b. enacted "that the saidis pecis of gold be cunyeit with sic diligence as may be," but with this addition,—"that thair be alsua cunyeit thrie pairtis of the samin fynes and wecht, equivalent *pro rata*, within the saidis haill and half pecis, with this imprent and circumscriptioun,—that is to say, on the ane syde ane cors haveand on ilk quarter thairof ane IR crownit, as

[1] Respecting this famous personage of the time, Patrick Adamson, Archbishop of St Andrews since 1575, see a note *infra*, p. 691. He had been of the Privy Council before (see vol. ii. p. 580, and *ante*, p. 230), and now, after a period of retirement, had come forward again in public affiars. He had been in the Parliament of 1581, and in both sessions of the Parliament in the present year; and the reason for his return at this time to the Council also will appear.

for the Kingis Majesteis name, with ane S in the middis of the said cors in ilk quarter the figure, as for the dait of the yeir, with this circumscriptioun: DEUS JUDICIUM TUUM REGI DA, and on the uther syde ane crownit lyoun sitting on, etc., having in the hand ane sword and in the uther hand ane sceptour, with this circumscriptioun: POST 5 ET 100 PROAUOS INVICTA MANENT HEC, and that in this forme ; and, for remeid of fynes, to have ane sext pairt of carrett, alsweill abone as under, with ane grane of remeid upoun ilk peice, alsweill havy as licht." Proclamation hereof is to be made at the market crosses, with command to the lieges to receive the coins, under pain of treason; and all the officers of the mint are charged to do their diligence in "melting, forgeing and prenting of the saidis pecis of gold." Acta 1581-

Falkland, 16th August.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Thirlstane; Dominus de Downe; Commendatarius de Pittinweme; Computorum Rotulator; Murdocairny.

Respecting forfeited lands of the late Earl of Gowrie, now disponed to the Earl of Arran.

The lands, lordships, and baronies of Dirltoun, Cousland, and , called the West Barony, having fallin into the King's hands through the forfeiture of the late Earl of Gowry, and his Majesty having disponed heritably the same to James, Earl of Arrane [*ante*, p. 673], "and being thairfoir of will and mynd that na heretable tennent of ony pairt of the saidis landis, lordschippis and baroneis, sal have confirmatioun of thair saidis tennendreis, quhilk may be hurt and prejudice to his said traist cousing and counsalour:" therefore his Majesty, with advice of his Council, "ordanis that na confirmatioun be grantit heireftir to quhatsumevir persoun or personis of ony heretable tennendrie of the foirsaidis landis, lordschippis, and baroneis in ony tyme heirefter," discharging the King's treasurer, his deputes, and clerk, from presenting to his Majesty "ony signatour for obtening of the saidis confirmationis," and the keepers of the signet and seals from passing such through the seals, and declaring any such confirmation that may happen to pass as null beforehand.

Edinburgh, 26th August.[1]

Caution in £1000 by James Edmonstoun of Duntreth for Robert Hammil-

[1] In the interval between the last entry and this, viz., on Aug. 20, 21, and 22, there had been another meeting of the current Parliament, in which, besides the King and the young Duke of Lennox, there were present Arran, as Chancellor, and 18 other Earls and Barons, 16 Commissioners of Burghs, 5 Bishops (the Archbishops of St Andrews and Glasgow included), and 9 Abbots. The Acts of this session, 38 in number (Acts, iii. 332-373), were mainly in confirmation of Arran's rule, and in continuation of the Acts of the former session against all concerned in the rebellion at Stirling, and for compelling the submission of the presbyterian kirkmen to the King's authority. Thus, the first Act was one for disinheriting the posterity of all convicted, or to be convicted, of "the tressounable attemptat at Striveling," and the second was an Act with this title—"Ane Act for ane uniforme ordour to be observit be the beneficit men." This second Act, which caused enormous excitement among the presbyterian clergy at the time, and became the stumbling-block and occasion of strife for many months to come between them and the Court, ordained that all beneficed men, ministers, readers, and masters of colleges or schools, should, on being required

Acta 1581-85. toun of Inschemauchane, who is licensed to go abroad, that he shall, during his absence, behave dutifully and not intercommune with the King's rebels. Caution for Robert Hamilton.

Fol. 106, a. Caution by James Scot in Kirkcaldy, for David Boiswell, portioner of Gaitmilk, David Boiswell of Mylndanys, Johnne Duncane there, and Alexander Freirmylne there, that Robert Aytoun of Inchederny, his sons, tenants, and servants, shall be harmless of the said persons, under these penalties: 200 mèrks for David Boiswell of Gaitmilk, and 100 merks each for the others: Johnne Andro subscribing for David Boiswell of Mylndenis, "becaus I can not write." Edinburgh, 27th August. Caution for David Boswell and others.

Caution in 1000 merks, by Walter Kennedy of Knokdone, as principal, and Robert Grahame of Knokdoliane, as surety, that the said Walter shall appear before the Privy Council upon fifteen days' warning. Edinburgh, 28th August. Caution for Walter Kennedy.

Caution in 500 merks by Robert Strang in Kilrinnie for Robert Aytoun of Inchederny, that David Boiswell in Mylndenys, and David Boiswell, portioner of Gaitmilk, shall be harmless of the said Robert and his sons: George Aytoun and Mr David Aytoun, sons of the said Laird of Inchederny, relieving the cautioner. Caution for Robert Aytoun of Inchdairnie.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Jacobus, Comes de Glencairne; Andreas, Comes de Rothes; Joannes, Comes de Mortoun; Thirlstane; Sanctandrois; Clericus Registri; Segy; Murdocairny. Falkland, 5th September.

His Majesty's rebellious subjects having dispersed "slanderous and untrew

by their "ordinair bischop or commissionair," subscribe this promise and obligation:—"*We, the beneficit men, ministeris, reidaris, and maisteris of collegis and scuillis, underwrittin, testifiis and faithfullie promissis, be thir our handwrittis, our humble and debtifull submissioun and fidelitie to our Soverane Lord the Kingis Majestie, and to obey with all humilitie his Hienes Actis of his said lait Parliament, and that, according to the same, we sall schaw our obedience to our ordinair Bischop or Commissionair, appointit or to be appointit be his Majestie to have the exercise of the spirituall jurisdictioun in our diocy.*" The penalty for non-compliance was to be the immediate loss of their livings and stipends, these to be bestowed on others "as gif thay wer naturally dead."—The following is the list of persons against whom the "dome of forfaltour" was pronounced in this session of the Parliament:—The Earl of Angus; the Earl of Mar; Agnes Drummond, Countess of Mar, younger; Dame Dorothy Stewart, Countess of Gowrie; Dame Joan Lyoun, Countess of Cassilis; Thomas Lyoun, Master of Glammis; Adam Erskine, Commendator of Cambuskenneth; David Erskine, Commendator of Dryburgh; William Erskine, Commendator of Paisley; James Erskine, brother of the Laird of Little Sauchy; George Douglas of Parkhead, and his two sons, James and George; James Douglas of Todhoills; John Douglas of Glaspen; William Douglas, son and heir-apparent of the Laird of Bonkle; John Leslie of Balquhaine; John Leslie of Largie; John Carmichael, younger, of that Ilk, and Hew Carmichael, his son; William Carmichael of Renton Cross; Patrick Drummond, younger, of Carnock; John Lyon, younger, of Cossins; James Lyon of Easter Ogle; Robert Hamilton of Corse; Arthur Hamilton of Bothwellhaugh; Hew Nisbet of Raschill; Patrick Hume of Argathies; John Colville, chantor of Glasgow; Patrick Whitelaw of New Grange; John Arbuthnot, son and heir-apparent of the Laird of Lentuske; James Murray of Pardowis; and the late James Ross of Pitheiflis.

Proclamation ordered against Papists and Jesuits.

bruttis" against him, "as thocht his Hienes had inclynit to the alteratioun of the state of the trew and christiane religioun quhairin he hes bene teichit and brocht up to this aige, and as gif his Majestie favourit the papistrie quhilk he hes evir in hart detestit," and, "to gif the same bruttis the greittar apparance of probabilitie," some Papists and Jesuits, as his Majesty is informed, having either of ignorance or malice "laitlie arryvit within this realme, intending (as may be worthelie suspected) to perswade and alluir sic of his Hienes subjectis as will gif eare unto thame to follow thair errouris,"—the King, with advice of his Council, directs proclamation to be made at the market cross of Edinburgh and other places, charging all and each the said Papists and Jesuits to depart the realm within a month, "and forbeare to alluir and seduce onie of his Hienes subjectis to thair erroneous opinionis in the menetyme, or dispers or set furth ony erroneous buikis or writtis to that effect," with charge also "that they nor nane utheris being Jesuites or teicharis of papisticall doctrine presume to resort and cum within this realme in tyme cumming, under the pane of deid, and that nane of thame tak upoun hand to cum or repair to court or neir his Majesteis persoun be ; under the pane foirsaid." All judges, magistrates, and officers are requested to apprehend and incarcerate offenders, for the due execution of such punishment upon them; and the lieges are to be warned "that nane of thame tak upoun hand to ressave buik, write, or ony uther monument of papistrie, fra the saidis Jesuites and Papistes, except immediatlie thaireftir thay present the same befoir his Hienes and his Counsall, under the pane foirsaid." Acta 1581. Fol. 106, b

Falkland, 8th September.

Sederunt—Jacobus, Comes de Arrane; Jacobus, Comes de Glencairne; Joannes, Comes de Montrois; Thirlstane; Commendatarius de Pettinweme; Clericus Registri; Murdocairny.

Protest for the Earl Marischal.

George, Earl Merschell, having been charged by letters to produce before the Privy Council, on a certain day bygone, the writs and evidents of the lands of Buquhane belonging to Johnne Leslie, sometime of Buquhane, which were alleged to be in the said Earl's hands, Mr James Wardlaw, as procurator for the said Earl, states that, expecting the calling of the said letters, he, in his capacity of procurator, "had awaytit sindrie dayis bipast," during which "the samin wer not callit nor the persoun purchessour thairof, being unknawin to him, comperit not to persew the samin." His protest is, therefore, that the said Earl should not be held to answer further to the said letters, "quhill he wer newlie warnit be utheris letters;" which protest is admitted.

Falkland, 9th September.

Sederunt—Ut in die predicto.

Meeting of Chequer ordered at Perth.

The decision of various matters having been committed by Acts of Parliament to the Lords Auditors of the Exchequer, including suspensions of letters "speciallie anent the portionis furth of pryoreis, abbayis, and nunreis

Acta 1581–85. appointit be Act of Parliament to the intertenyment of his Hienes gaird; the suspensionis of lettirs grantit upoun factoreis; the suspensionis grantit aganis the lettiris of the collectour-generall, and aganis Williame, Commendatar of Pittinweme, capitane of the gairdis, for the auld restis of the collectorie,"—the King, with advice of his Council, considering that "the maist pairt of all the saidis suspensionis and utheris materis committit to the judgement of the chekker restis undecydit, to the greit prejudice of his Hienes and of divers partiis," orders a meeting of his Chequer at Perth on the 28th of September instant, "thair to sit and proceid in the decisioun of the saidis caussis of suspensioun quhill the samin be decydit or utherwise put to point, as accordis of justice and equitie." Proclamation of this is to be made at the market cross of Edinburgh, charging all interested in the suits then to be determined to be present, with certification that, if they are not, the Lords Auditors will proceed in their absence.

Caution for John Leslie of Auchorties.

Caution in 500 merks by Johnne Grahame of Bagowne (Balgowin) for Johnne Leslie of Auchorteis, that he shall appear before the Privy Council or the justice when required on fifteen days' warning.

Patrick Blackadder denounced.

Patrik Blacader to be denounced rebel for not appearing before the Council as charged.

Act against presenting private letters and signatures for the King's subscription.

His Majesty, "upoun the sicht and consideratioun of the estait of his houssis and dalie expenssis," finding that there is "na greittar occasioun of the disorder now standing nor the presumptuous bauldnes of sindrie his subjectis and domestique servandis, preissing his Hienes to subscrive signatouris and letters presentit be thame, and that oftymes *gratis*, unsichtit first and fund ressounable be the officiaris of his estait," repeats the substance of many previous Acts of Parliament and orders of Council
Fol. 107, a. in this matter, to the effect that no signature or letter be presented for the King's subscription but by the proper officers only, after having been subscribed by them, and that any letter or signature otherwise subscribed by the King may be stopped or refused by the officer to whom it is presented, "ay and quhill the mater be considerit and ressonit of be his Majestie and ane ordinar nowmer of his Counsale sittand."

Falkland, 11th September.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Jacobus, Dominus de Down; Dominus de Thirlstane; Commendatarius de Pittinweme; Clericus Registri; Murdocairny.

Clement Kincaid against Mr David McGill of Nisbet.

Complaint of Clemet Kincaid, portioner of the Coittis, as follows:—In recompense for his service, he had been granted long ago, by his Majesty's promise, "the ward, nonentres, males, fermis, proffeittis, and dewiteis, of all landis, annuelrentis," etc., pertaining to the late Archibald Wardlaw of Ricartoun, that were to come into his Majesty's hands by the said Alexander's decease, "ay and quhill the lauchfull entrie of the rychteous air or

airis thairto, being of lauchfull aige, with the releif thairof quhan it sal happin, togidder with the mareage of Williame Wardlaw, sone and air to the said umquhile Alexander, and, failyeing of him be deceis unmareit, the mareage of ony uther air or airis, maill or famell, of the said umquhile Alexander that sal happin to succeid to him in his landis and heretage, with all proffeit of the said mareage." Accordingly, since the death of the said Alexander Wardlaw, the complainer "hes obtenit his Hienes gift of the ward, nonentres and mareage foirsaid," under the Privy Seal, of date at Falkland the 16th of June 1584. But, as the complainer is informed, "Mr David M^cGill of Neisbit hes obtenit ane uther gift of the said ward, nonentres, and mareage, to him, his airis, and assignais, of the dait foirsaid, quhilk is onlie subscrivit be the Kingis Majestie and sum lordis, with his Hienes thesaurar, and na forder past, seing the said compliner obtenit a discharge to the keparis of the seillis dischargeing thame of passing thairof: be vertew quhairof the said Maister David, as the said Clemet is informit, intendis to caus the said Williame Wardlaw complene to the Lordis of Sessioun upoun the said Mr David on the ane pairt, and the said compliner on the uther part, for productioun of baith thair richtis befoir thame, to heir it be decydit be the saidis Lordis quhilk of thame hes best richt to the said ward, nonentres, and mareage,"—the said Mr David's design in this, says the complainer, being "be his greittar moyane in the Sessioun nor myne to gett the richt thairof decernit to appertein to him." It is submitted that, as "the said mater standis upoun the interpretatioun of his Hienes gift and validitie thairof," the King and Council, and not the Lords of Session, are the competent judges, and that "the said Mr Davidis gift aucht to be rescindit, cassit and annullit."—Charge having been given to Mr David M^cGill and to Williame Wardlaw to appear and produce the gift in question, and to hear the matter decided, but neither of them appearing, while the complainer appears personally, the decree is that Mr David's gift is null, and Clemet's gift "valiable" in all time coming. Acta 1581

Falkland, 15th September.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Andreas, Comes de Rothes; Dominus de Thirlstane; Clericus Registri; Segy; Murdocairny. Fol. 107,

Revocation of the confirmation of the lands and barony of Snaid, &c., so far as the same concerns the heirs of "taillie."

The King and his Privy Council having considered the charter of confirmation granted by his Majesty during his minority, ratifying the charter by Williame, Lord Hay of Yester, to Williame, Master of Yester, his son and apparent heir, and Marie Maxwell, his spouse, the longer liver of them, in conjunct fee, and to their lawfully begotten heirs male, or, such heirs male failing, to the heirs male "quhatsumevir of the said Williame heretablie," of the lands and barony of Snayd in Dumfreisshire, and the lands and baronies of Megott and Oliver Castle in Peoblisshire, "and finding greit iniquitie thairin, in respect of the manifest hurt and prejudice quhilk it sould carie to the heirs of lyne, quha, be the lawis of God and natour, aucht to succeid

Acta 1581-85. to thair said faderis heretage, to the enorme lesioun and detriment of his Hienes saull and conscience gif the said confirmatioun sould tak effect:" therefore, the King revokes the said confirmation, "sa far as concernis the airis of taillie allanerlie," ordaining the same to have no effect "to the prejudice of the saidis airis of lyne or ony utheris quhome it may tuitche," and commands the clerk of Council to register this revocation in the books of Council.

Sederunt—Jacobus, Comes de Arrane; [Joannes], Comes de Athoill; Dominus de Thirlstane; Dominus de Downe; Murdocairny; Clericus Registri; Advocatus. Edinburgh, 19th September.

Complaint of David Ramsay, burgess of Craill, and Niniane Wod, bailie there, as follows:—On the 25th of August last, "the said David being doand his lesum effairis and bissines, without the port of the said burgh, in quiet and sobir maner," Robert King, younger, in Crail, "come upoun the said David and maist cruellie and unmercifullie persewit him of his lyfe, hurt and woundit him with ane quhinzear in divers pairtis of his body, and speciallie in his car hand and arme, to the effusioun of his blude in greit quantitie." Upon his complaint to the bailies of Craill, the said Robert had been commanded by them either to enter in the tolbooth there or to remain in his own house till he found caution to keep the peace; "quhilk command being vilipendit and disobeyit be him, the said Niniane Wod, baillie, commandit him be his awin mouth to entir his persoun in ward within the said tolbuith." He had not only treated this command with contempt, "bot als, without all kynd of reverence quhilk he aucht to have borne to his lauchfull magistrat, injurit him with maist mallitious and disdanefull language, calling him knaif and provoiking him to singular combat," and finally had been prevented from assaulting him only by the interference of neighbours. "For the quhilk enormitie he being callit afoir the remanent baillies of the said burgh, he wes maist condignelie, be ane inqueist, convict of the saidis crymes, and thairfoir deprivit of his libertie and fredome of the said burgh, and remittit to be forder puneist at his Hienes will."—Parties having been summoned, and David Ramsay appearing for himself and for Niniane Wod, Robert King, having failed to appear, is to be denounced rebel. Order to denounce Robert King for non-appearance to answer a complaint.

Caution in £10,000, by George Home of Weddirburne, as principal, and George Home of Aytoun, and George Home of Spott, as sureties for him, Fol. 108, a. that the said principal, who is licensed to go home, shall enter again in ward within the castle of Downe in Menteith, upon the 15th November next, not intercommuning in the meantime with the King's traitors. Edinburgh, 21st September. Caution for George Home.

Caution in 500 merks, by Johnne Cunninghame, younger, of Drumquhassil, for Duncane Forsythe, sometime servitor to Johnne, sometime Earl of Mar, that, when released from Edinburgh tolbooth, he shall go abroad (England excepted), and remain banished during the King's pleasure. Edinburgh, 23rd September. Caution for Duncan Forsyth.

Edinburgh, 24th September.

Caution for George Lauder of Bass.

Caution by Hew Lawder, burgess of Edinburgh, for Mr George Lawder of Bas, that he shall pay to Patrik, Bishop of Sanctandrois, the sum found due by him for a part of the third and superplus of the said bishopric for the years 1583 and 1584. Acta 1581

Orders for arresting the spread of the Plague.

The Lords of Council, "understanding the intres of the contagioun of the pestilence likly to spreid," order as follows:—[1] "That all passage of boittis or utheris veschellis sall stay, and na maner of personis or gudis to be transportit ower the Watter of Forth, fra Berwik to Striviling Brig, quhill the Kingis Majestie and his Counsale sall tak further ordour, or gif speciall and expres licence, under the pane of tinsell of lyf and gudis, and that nane of the inhabitantis of the coist syde of Fyfe, or utheris on the north syde of Forth, presume or tak upoun hand to croce the said firth at ony of the ferreis or quhatsumevir uther part, under the said pane;" [2] that none "convene thameselffis to quhatsumevir cryit fairis and mercattis, speciallie to the fairis of Creif, Foullis, Dumbar, Hadingtoun, Air, Dunning, Leslie, Sanctandrois, or utheris sic fairis, bot to contene thameselffis at thair awin houssis quhill Goddis will and pleasour anent the contagioun of the said pestilence appeir, and that his Majestie declair his Majesteis will in the contrair"; [3] that "na beggaris nor vagaboundis tak upoun hand to wander or travell up and doun the cuntrie, bot contene thame within thair awin parochynnis in sic pairtis as salbe appointit to thame be the magistratis or principallis of the said parochin, under the pane abonespecifeit;" [4] that "maisteris and landislordis of all landis and rowmes quhair ony infectioun sal happin to be, or ony suspitioun thairof," be formally charged "to tak the seik personis and put thame in ludgis, and burne the houssis and gudis quhair the infectioun fallis, without delay," with absolute exoneration to them for so doing. —"Attoure, his Majestie hes continewit and continewis all dyettis of comperance befoir the Privie Counsale, Chekker, Justice Courtis, or utheris publict conventionis, in Edinburgh, or at his Majesteis court and residence benorth the Watter of Forth, quhill thay be warnit of new on xv dayis warning, and that all on the south syde of Forth be reddy to answer in Edinburgh as thay salbe callit upoun the xxviii day of September instant and thaireftir."

Edinburgh, 26th September.

Sederunt—Ut in die predicto.

Proclamation forbidding all insult to the Archbishop of St Andrews, or any other of the King's authorised clergymen in Edinburgh, under pain

"The Kingis Majestie being cairfull to have the trew word of God sinceirlie preichit and Goddis religioun mantenit, quhairin his Hienes hes bene nureist and brocht up from his birth, directit the maist reverend fader in God and his trust counsalour, Patrik, Archibischop of Sanctandrois, to repair to this burgh of Edinburgh, and to use his pastorall office within the said burgh, left destitute of ministeris be sic as last occupeit the place, for thair gilty conscience in participatioun of the tressounable crymes attemptit aganis his Hienes and his authoritie. Nevirtheles, sum papistes, or atheistes, or libertines, or favouraris and pairttakaris of the tressonis bipast,

Acta 1581–85. and yit lurking to be interprysit aganis his Hienes and his estait, ceissis not, be seditious and tumultuous dealingis, to contempne, interrupt, and disturb the directioun of his Majestie, hounding out thair wyffis, servandis and bairnis, to contempne, disdayne and reproche the said reverend fader, as gif thair husbandis, maisteris, and faderis wer ignorant and wytles of thair rysche and insolent behaviour. Thairfoir, his Hienes, be advise of the Lordis of his Secreit Counsale, ordanis ane herauld, maser or uther officiar of armes, to pas to the mercat croce of the burgh of Edinburgh, and thair, be oppin proclamatioun in his Hienes name and authoritie, to command and charge all and sindrie his Hienes lieges, inhabitantis of the said burgh, and utheris quhatsumevir inhabitantis hanting and repairing within the same, of quhat estait, degrie or conditioun thay be of, young or auld, maisteris or servandis, male or female, [to] contene thameselffis in modestie and quietnes, schawing thair dewtifull obedience to the said reverend fader,
Fol. 108, b. and utheris that sall preitche Goddis Word and administrat the Sacramentis within the said burgh, directit and allowit be his Majestie, without maiking of ony signes or deidis of provocatioun of uprore and seditioun, under the pane of deid; with certificatioun to thame that dois in the contrair the said pane salbe presentlie execute aganis the contravenaris with all rigour, not only aganis the actuall contravenaris, bot aganis the husbandis of the wyffis, the fatheris of the bairnis, and maisteris of the servandis; quhilk salbe tane, apprehendit, and puneist for the contempt and dissobedience of the wyffis, bairnis, and servandis, as gif thai had committit the same in propir personis, seing be all law thay ar obleist to answer for the obedience and gude reull of the saidis wyffis, bairnis, and servandis. And that the provest, baillies, and counsale of the said burgh of Edinburgh attend to the executioun of the premissis deulie and exactlie, as thay will answer to our Soverane Lord upoun thair obedience, at thair hichest charge and perrell."[1]

[1] Patrick Adamson, titular Archbishop of St Andrews since 1575, when he was promoted to that dignity by the Regent Morton, had ever since been in struggle with the courts of the Kirk. His prelacy for eight years had been little more than nominal, and through the government of the Ruthven Raiders, from August 1582 to June 1583, he had lived in retirement and neglect at St Andrews. But the counter-revolution of the last date had brought him actively forward again; he had been sent on a mission to the English Court in December 1583, the object of which was supposed to be such consultation about the Scottish Kirk with Elizabeth and the English statesmen as might aid the King and Arran in their policy of establishing a real episcopacy in Scotland; and since his return in April 1584 he had been carrying out the Acts of the Scottish Parliament, in its two sessions of that year, for compelling the submission of the Presbyterian clergy (*ante*, p. 684, footnote). Hence the charge given him to plant himself for a while in Edinburgh, then destitute of the pastoral services of Mr James Lawson, Mr Walter Balcanquhal, and other zealous Presbyterian ministers, by their flight into England. What his reception was we learn from Calderwood (iv. 199): "The Bishop of Sanct Andrewes," he says, "was sent over to Edinburgh to preache, and a charge was sent to the Counsell of Edinburgh to accept him. But the most part of the people went furth when he entered in the pulpit. During the time of his abode, sindrie libells were cast in into the pulpit, and in his chamber, painting out his falshood and knaverie." This passage will explain the present order of Council. The women of Edinburgh were particularly roused against the Archbishop. There is in Calderwood (iv. 126–141) a long and most extraordinary letter of rebuke and vituperation which had been addressed to him a little while before in the names of

Holyrood-house, 4th October.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Dominus de Thirlstane; Dominus de Downe; Clericus Registri; Clericus Justiciarie; Murdocairny. Acta 1581-

Lord Gray admitted of the Council.

Patrik, Lord Gray, admitted one of the Privy Council, and takes the oath.[1]

Charges to various persons to ward themselves, and to others to leave Edinburgh.

The following persons are ordered to ward themselves, forty-eight hours after being charged, under pain of rebellion, in the following places, and to remain there at their own expenses till freed:—Gilbert Prymrois, chirurgeon, and Adame Foullartoun, merchant, in the castle of Dumbertane; Johnne Colden and Edward Galbraith, skinners, in the castle of Blaknes; James Rannald and Johnne Mitchelhill, merchants, in the castle of Thomptalloun.—The following are ordered, under pain of rebellion, to leave Edinburgh on the 5th inst., at nine in the morning, and not to appear again within ten miles of the same or of the King's residence:—Johnne Thomsoun and Johnne Clerk, skinners, Robert Lindsay, stabler, Andro Malcolm, merchant, Philip Darling, merchant; Johnne Nymbill, merchant, David Danielstoun, goldsmith, Harie Bekkartoun, writer, Johnne Johnstoun, , younger, James Carmuir, merchant. And Johnne Johnstoun, called of Elphinstoun, and Johnne Blakburne, merchant, are commanded, under the same penalty, to appear before the Council on the sixth day after being charged.

Edinburgh, 6th October.

Caution for the Bishop of Aberdeen.

Caution by Alexander Creichtoun of Drylaw, for David, Bishop of Aberdene, that he shall pay to Alexander Clerk of Balbirny, collector of the late taxation of £20,000, the sum of £11, 5s. for the tax of the parsonage of Inchcalyeoch, if decerned to do so.

John Leslie of Auchorties against James Ker and others.

Complaint of Johnne Leslie of Auchorteis, as follows:—On the 30th of August last "James Ker, Alexander Innes, callit Sell the Kin, Johnne Neisbit, and Johnne Moreis, with divers utheris thair complices, bodin in feir of weir, come to the said complineris duelling place of Auchorteis, pertening to him in heretage, and thair, without ony kynd of law, forme, or ordour, not only violentlie mellit and intromettit with his haill gudis, moveable geir, insycht, plenissing, gold, sylver, cofferis, jowellis, writtis

"Jonet Guthrie" and "Margaret Marjoribanks," the wives of the exiled Lawson and Balcanquhal. With remarkable literary talent, and with citation even of Chaucer in aid of their wit, these ladies had been made to defend their husbands in language bolder than had been dared by the husbands themselves. The Court was much troubled by this assumed privilege of sex; and, besides the present general order, making husbands responsible for excesses of Presbyterian zeal on the part of their wives, there were express orders against particular women by name, the two ministers' wives among the chief.

[1] Patrick, Lord Gray, a Queen Mary's man in the beginning of James's reign, had been of the Council before in Morton's time (see vol. ii. as by Index). He was probably brought into it again at this time in consequence of the rising favour at Court of his more memorable son, the young Master of Gray, who had just returned from France in company with the young Duke of Lennox (*ante*, p. 609, footnote), and begun his peculiar career in Scottish politics by attaching himself to Arran.

Acta 1581-85. and evidentis, being within and abone the samin, bot als, without ony kynd of commiseratioun or pitie, maist barbarouslie schot furth his wyfe, bairnis, and haill familie, handilling and cruellie trubling hir in sic sort that thay causit hir to pairt with bairne; lyke as scho remanis thairthrow yit in the haizaird and danger of hir lyfe, nevir able to recover hir helth."

Fol. 109, a. The said James Ker having been summoned, and he and the complainer, Johnne Leslie, appearing personally, the Lords remit the part of the complaint touching the intromission with Leslie's goods and the troubling of his wife for trial by the proper judges, but charge James Ker and the others to deliver the house of Auchorteis to Leslie by the last day of October inst., under pain of rebellion.

John Leslie committed to Blackness Castle, to be tried for treason.

Another complaint of the same Johnne Leslie of Auchorties, to the effect that the same James Ker, besides intromitting with his corns, steadings, and possessions, leaving him "bair and destitute of all gudis and geir," has also lately obtained "a privie charge subscrivit be the Kingis Majestie and twa of his Counsale, besyde the ordinar forme, quhairwith he hes causit charge the said compliner to entir his persoun in ward within the castell of Invernes, quhairof Capitane Thomas Ker, his broder, is capitane and commandar, thairin to remane upoun his awin expenssis ay and quhill he be relevit be his Majestie, within sax dayis nixt efter the charge, under the pain of tressoun." The intention of thus making him to be "persewit as a tratour and the proces of forfaltour led aganis him," is not only to seclude him from the power of obtaining redress for the intromission with his houses, goods, and gear, "bot als to dwang and debar him fra his awin rowmes, leaving and possessionis, to his utter wrak;" and, as he is innocent of all crimes, and has found caution to underlie the laws when required, [*ante*, p. 687], he submits that "the saidis lettiris and panis of tressoun contenit thairin aucht and sould be suspendit simpliciter." —Parties having been summoned and called, and both appearing personally, and Ker alleging that Leslie "hes committit tressoun aganis the Kingis Majestie in ressetting and intercommoning with sum of his Hienes declarit tratouris and conspiratouris aganis his Hienes and his authoritie, sen the tyme of the remissioun grantit to him for the uther tressounable crymes for the quhilk caus the foirsaid charge for his entrie in ward within the said castell wes direct," the Lords, on this allegation, ordain Leslie to enter in ward, within forty-eight hours hereafter, in Blaknes, under pain of treason, and to be tried in the tolbooth of Edinburgh on 31st inst. The King's advocate and James Ker are required to "insist in persute of the said Johnne at the samin day."

Debts of the late Lord Robert Stewart, prior of Whitherne.

Fol. 109, b. Complaint of Beigis Wyise, spouse to Williame Donaldsoun, burgess of Striviling, and of the said Williame, her spouse, for his interest, as also of Williame Donaldsoun, Henry Makesoun, and Alexander Galbraith, servants to the late Lord Robert Stewart, Prior of Quhitterne, as follows:—The said Lord having "restit auchtand" to the said Beigis and her spouse the

sum of £215, "for necessar furnissing furneist to him divers monethis preceiding his deceis within the burgh of Striviling," and likewise "restit auchtand" 170 merks to the said Henry, "for his fie be the space of thrie yeiris, and for sowmes debursit be him in the said Lordis necessar effairis," and 160 merks to the said Alexander, "for his fie during the space of his service to the space of foure yeiris," and the King and Council having "ordanit and commandit Dame Katherein Stewart, Lady Garleis, eldar, Anthone, Robert and Williame Stewartis, hir sonnis, taxismen of the pryorie foirsaid, Mr Robert Stewart, chalmerlane thairof, to answer and mak payment to the saidis complineris of the sowmes abonespecifeit, everie ane for thair awin pairtis, of the reddiest fructis, sowmes of money, and debtis, being in thair handis, notwithstanding onie gift purchest be the said unquhile pryouris escheit in tyme bigane," yet the said tacksmen and chamberlain will not obey.—The defenders having been charged to mak payment or to appear and show cause to the contrary, and Williame Donaldsoun and Henry Makesoun appearing for themselves and for the other pursuers, but the defenders failing to appear, the Lords order them to be charged once more to make payment in conformity with the former ordinance, within six days after being charged, under pain of rebellion. Acta 1581-Fol. 109,

Edinburgh, 17th October. Caution for John Bartane.

Caution in £100 by Johnne Nicolsoun, burgess of Edinburgh, for Johnne Bartane, goldsmith, burgess of the same, that he shall appear before the Council on 20th October instant: David Moysie, notary, subscribing for Nicolsoun, who cannot write.

Holyrood-house, 26th October.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; David, Comes de Craufurd; Dominus de Gray; Dominus de Downe; Sanctandrois; Dominus de Thirlstane; Clericus Registri; Clericus Justiciarie; Murdocairny.

Proclamation for a muster to form a guard to his Majesty in Holyrood-house.

As his Majesty, "at the pleasour of Almichtie God, eftir the mony disorderis and rebellioun fallin out in this realme during his Hienes young aige, hes at last reducit his cuntrey to his Hienes obedience," he now means to reign in justice and quietness, and "for that effect rather to retene his awin hous, court, and cumpany, in a moderat nowmer, foirbering the frequent convening of his nobilitie and utheris, for the inconvenient that mycht grow be the pestilence now spred;" and, as he has consequently decided "to remane this winter tyde approcheing in his palice of Halieruid-hous, ewest his principall burgh and seit of justice, reposing a speciall trust in the loyaltie, cair, and vigilance of his faithfull subjectis, inhabitantis thairof, of the Cannongait, and utheris suburbis of the same:" Therefore, that they may be the more prepared against treasounable attempts and surprises, proclamation is ordained at the market crosses of Edinburgh and the Cannongait charging the lieges of those burghs and their suburbs, "that thay and every ane of thame, without exceptioun or distinctioun of personis, in respect of ony estait, privilege, or exemptioun, clamit or usit Fol. 110,

Acta 1581-85. be ony of thame in tymes bigane, addres thameselffis, bodin in weirlyke maner, to repair with all possible diligence, as thay salbe adverteist be proclamatioun, schot of cannoun, or ringing of the commoun bell of Edinburgh, toward his Majesteis maist nobill persoun, for defence and preservatioun thairof, and persute of his Hienes traitouris, rebellis or utheris quhatsumevir, that sal happin to attempt ony violence." The penalty is to be "tinsell of lyfe, landis, and gudis," and defaulters are to be rigorously "execute to the death," and their goods presently escheated.

Edinburgh, 27th October. Caution for John Wallace of Craigie, and others.

Registration by Mr Alexander King, as procurator for Johnne Wallace of Craigy and Johnne Wallace of Dundonald, of a band of caution in £2000 by Johnne Wallace of Dundonald for Johnne Wallace of Craigy, Williame [Wallace], minister of Failfurd, Robert Wallace and Mitchell Wallace, his brothers, that Thomas Tait of Adamehill, his wife, bairns, tenants, and servants, shall be harmless of the said persons, in bodies, lands, and goods. The band is subscribed at Dundonald and Blaknes, Oct. 22 and 25, 1584, before these witnesses: at Dundonald, Thomas Wallace, brother of Wallace of Dundonald, Johnne Or, servitor to the said Thomas, Johnne Maxwell in Kirktoun, and Hew Wallace of Parkthorne; and at the Castle of Blaknes, Thomas, tutor of Cassillis, James Dumbar of Cumnok, Johnne Ogilvie of Innerquharetie, and William Wallace, servitor to the said Johnne Wallace of Craigy.

Holyrood-house, 30th October. Farther orders concerning the plague in Fifeshire.

His Majesty "being informit that the infectioun of the pestilence, now being in the Wester Wemys, Dysert, and utheris pairtis of the cuntrey, spreidis the rather for the default of gude ordouris prescrived and kepit in the townis, and becaus of the non-puneisment of sic foull and suspectit personis as passis athort the cuntrey, levand thair houssis and ludgeis, quhilk pairtlie proceidis of necessitie throw want of thair sustentatioun," therefore, with advice of his Council, directs charge to be given to the bailies of Kinghorne, Kirkcaldy, and Dysert, to see to the publication and execution of the acts for watching, warding, keeping their towns clean, and separation of the infected persons, "with power alsua to the provestis and baillies of the saidis townis to taxt and stent the inhabitantis thairof for nurissing and sustentatioun of the puir people infectit and misterfull, and to poind and distrenzie for the sowmis taxt, or to put and hald the personis taxt in ward quhill thay mak payment," and with power also to execute the pain of death, or such lesser pains as may seem expedient, on those who transgress the Acts.

Edinburgh, 31st October. Cautions for the loyalty of a number of citizens of Edinburgh

Caution in £1000, by Gilbert Prymrois, chirurgeon, as principal, and Robert Jowsie and Alexander Barclay, "ypothecar," burgesses of Edinburgh, as sureties; caution in 500 merks, by Andro Malcome, as principal,
Fol. 110, b. and Henry Neisbit, baillie of said burgh, as surety; caution in 500 merks, by David Danielstoun, goldsmith, as principal, and Mr Alexander Thomsoun of Dudingstoun, as surety; caution in 500 merks, by Johnne

Clerk, skinner, as principal, and Johnne Leyis, merchant, as surety; Acta 1581–
caution in 500 merks, by Johnne Mitchelhill, merchant, as principal, and Mr Thomas Gray, advocate, as surety; caution in 500 merks, by Philp Darling, as principal, and Thomas Lowry, merchant, as surety; caution in £1000 by James Cowdoun, skinner, as principal, and Thomas Somirvile, maltman, as surety; caution in £1000, by James Rannald, merchant, as principal, and Ritchard Wilsoun, skinner, as surety; and caution in 500 merks, by Johnne Thomsoun, skinner, as principal, and Alexander Scot, burgess of Edinburgh, as surety:—all to the effect that the foresaid principals "sall reverence, acknawledge, and obey the Kingis Majestie as thair onlie Soverane Lord King, and the provest and bailleis of Edinburgh, present and to cum, as his Hienes officiaris," and in especial "sall not murmour nor repyne aganis his Majesteis lawis nor Actis of Parliament, bot to thair utter poweris furthset and execute the samin aganis quhatsumevir personis, spirituall or temporall, without exceptioun," and shall not intercommune with any of the declared traitors and rebels, "nor furneis thame meit, drink, hous, or herbry." Finally, the acts of caution bind the said principals to appear before the King and Council for examination, as they or their sureties shall be required, on six days' warning.

Edinburgh, 4th November. Farther orders concerning the Plague and the ferries on the Forth.

The King and Council "being credibillie informit that, notwithstanding his Hienes formar proclamatioun, inhibiting the commoun passage at the ferreis ower Forth, in respect of the pestilence quhairwith divers pairtis in Fyfe and within and besyde Perth ar presentlie at the pleasour of God infectit [*ante*, p. 690], yit ceissis not continewall transporting of personis at the Quenis ferry," the following new orders are to be proclaimed at the market cross of Edinburgh, at the shore and pier of Leith, and at Queensferry:—[1] That till farther order "thair salbe na passage ower Forth be the ferrie boittis at ony pairt, saulfing onlie betuix Leith and Brint Island," and that, to this effect, "David Dundas of Preistisinche, sheref depute of Linlythgow, accumpaneit with ane or twa personis commissioneris, direct frome the provest, baillies, and counsale of Edinburgh, sal pas to the Quenis ferry and tak the saillis fra the rais of the saidis boittis on baith the sydis of the watter, quhairthrow thay sal have na passage at the said ferry during the space foirsaid, and that the said schiref-depute straitlie command and charge all and sindrie skipperis, marineris, and ferryaris, at the said ferry, that nane of thame tak upoun hand to transport ony maner of personis ower the same ferry, notwithstanding onie licences grantit in tyme bigane befoir the dait heirof, under the pane of death." [2] "Becaus testimoniallis and licencis to pas and repas at all ferryis hes bene ower facillie grantit in tyme bigane," every such licence by whomsoever subscribed, is to be null till "it be first presentit to ane of the baillies of Edinburgh, quha salbe specialie depute to tak cair thairof, and he, findand the same without apperand perrell, to permit it, otherwise not, and sic as passis to be subscrivit be the said baillie, and that ane of the baillies of Leyth ressave and comptroll the testimoniallis and licencis of the boittis

Acta 1581 85. and personis that cummis frome the north schoir to Leith, admittand nane bot sic as ar subscrivit be his Majestie and twa of his Counsale and the said baillie of Edinburgh." [3] None of the inhabitants of Edinburgh, the Cannongait, Leith, West Port, or the Potterraw, to "ressave in herbry, stabling, or ludgeing, ony maner of persoun, not being actuall induellaris and residentis within the said burgh and pairtis foirsaidis, except within the space of ane hour eftir the ressatte thay gif the name of the persoun and duelling place to the commissar within quhais quarter or jurisdictioun thay duell."

Fol. 111, a. The plague being in parts of the coast of Fyfe, and in the burgh of Perth, which is "ane of the principall passages of this realme betuix the north and south," so that there may be peril in the resort through these parts of persons having causes in the courts of justice in Edinburgh, or before the Privy Council, and the winter season being the best for cleansing the infected places, the King, with advice of his Council, ordains "that all proces in the Sessioun Justice, Courtis, appointit to be haldin in the tolbuith of Edinburgh for caussis criminall, and all dyettis befoir the Privie Counsale, concerning particular pairteis duelland benorth Forth, sall rest and ly ower quhill the aucht day of Januar nix to cum," the Lords of Council and Session, Justice-General, and other inferior judges, however, proceeding and doing justice meanwhile "in all caussis concerning pairteis duelland on the south syde of Forth." Publication of this order to be made at the cross of Edinburgh and other places.

Holyrood-house, 6th November.

All actions of persons dwelling north of the Forth to lie over on account of the Plague.

An Act of the late Parliament having ordained "that the conventis [*i.e.*, monks'] portionis of all abbacyis, pryoreis, and nunereis within this realme quha ar depairtit and deceist sen the yeir of God j^{m}v^{c}lx yeiris, and siclike in tyme cumming of thame that deceissis, justlie appertenis and sould appertene to his Hienes as undoubtit patroun thairof, and that the samin sould be intromettit with, upliftit, and inbrocht be the Thesaurar and substitutis constitute and depute to that effect, to be imployit to the furnissing of his Hienes gaird and utheris his effairis" [Acts of Par. 1584 c. 13 iii. 298, 299]; and letters having accordingly gone out "chargeing the abbottis, commendataris, pryouris, and utheris pryoressis of abbacyis and nunreis of this realme, to answer and mak payment to the Thesaurar foirsaid, Sir Robert Melvile of Murdocairny, his depute, and Walter Adamsoun, as collectour and ressavar depute under thame, of the foirsaidis conventis portionis deceist in the said lx yeir, under the panis of horning and poynding:" but the execution of these letters having been stayed at the instance of sundry of the said prelates, "becaus of the incertantie of the number of the saidis convent quhilkis ar alreddy deceist as said is of ilk abbacy and nunrie, of quhat name and surname thay wer of, and how mekle portioun of victuell, money and utheris quhilkis thay and ilkane of thame had the said lx yeir of God and of befoir;" in consequence of which stoppage "na pament can be gottin in the menetyme,

Holyrood-house, 9th November.

Certain returns required from Abbots, Priors, Prioresses, and members of Convents.

albeit greit and sumptuous expenssis be maid be the said Thesaurar upoun the ingetting thairof:" Therefore it is ordained by his Majesty, with advice of his Council, that letters issue to command and charge all abbots, commendators, priors, and prioresses, and all persons of the convents of their abbacies and priories now alive, to appear before the King and Council on such days as shall be appointed, "bringand with thame and ilkane of thame ane just and trew inventour and rentall of the convent of ilkane of thair saidis abbayis,—quha wer thairintill the foirsaid lx yeir of God and ane yeir immediatlie of befoir, thair names and surnames, how mony of the saidis convent ar depairtit and deceist sensyne, how mony of thame ar yit on lyfe, quhat and how mekle portioun of money and victuellis and utheris proffeittis ilk ane of the said convent had the said lx yeir and immediatlie of befoir,"—these inventories to be delivered to the said Treasurer, Treasurer-depute, and Collector, "to the effect haistie and summar executioun of proces may be usit be his Hienes said Thesaurar for ingetting of pament of the said conventis portionis quhilkis ar deceist as said is, beginnand at the crope and yeir of God j^{m}v^{c}lxxxiii yeiris, and siclike yeirlie and termelie in tyme cumming." The penalty for neglect or for false return is to be, for abbots, commendators, priors, or prioresses, "tinsell of thair benefices," and for living persons of convents, "tinsell of thair portionis," with decree that the benefices and portions are vacant, and have come into his Majesty's hands and disposition. Acta 1581-8

Edinburgh, 10th November. Ten persons to be tried for treason.

Johnne Creichtoun of Quarter, Mr Johnne Twedy in Drava, Johnne Twedy in Stenhop, Hob Twedy in Howgait, James Twedy of Drummelzeaire, James Twedy of Frude, Adame Twedy in Drava, James Twedy, younger, there, Johnne Twedy in Hinderlethane, and Alexander Portuous of Glenkirk, having appeared personally before the Council as charged, and "being accuisit and dilatit be Mr David M^{c}Gill of Neisbit, his Hienes advocat, of certane treasounable and capitall crymes committit be thame, quhairof thay allegeit thay wer altogidder innocent, and offerit thame to abyde the triell of the lawis thairfoir," the Lords assign the 2nd day of December next for their trial by an assize to be summoned by the Justice-Clerk. Meanwhile, James Twedy of Drummelzeaire Adam Twedy of Drava, Alexander Portwous of Glenkirk, Hobbie Twedy in Howgait, and James Twedy of Frude are charged to enter themselves in ward within the next twenty-four hours, on pain of rebellion, the first three within the burgh of Linlythgow, and the last two within the tolbooth of Edinburgh, there to remain at their own expense. Fol. 111, b.

Caution for five of the said persons.

Caution by James Twedy of Drummelzeaire for Johnne Creichtoun of Quarter, Johnne Twedy in Stenhop, and James Twedy in Hinderlethane, and by Adame Twedy of Drava for Mr Johnne Twedy and James Twedy, his sons, that they shall underlie the law on the said 2nd December, each under pain of 1000 merks.

Acta 1581–85.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois, Andreas, Comes de Rothes; Dominus de Gray; Dominus de Thirlstane; Dominus de Downe; Commendatarius de Newbottill; Clericus Registri; Computorum Rotulator; Clericus Justiciarie; Murdocairny; Advocatus. Edinburgh, 11th November.

Johnne Johnstoun, called of Elphingstoun, and Johnne Blakburne, merchant, to be denounced rebels for not appearing before the Council as charged. John Johnston and John Blackburn denounced.

George Hammiltoun of Prestoun, as son and heir of the late Sir David Hammiltoun of Fingaltoun, one of the eight sureties of 1573 bound conFol. 112, a. junctly and severally in £40,000, for Johnne and Claude Hammiltoun, is adjudged to pay to James, Earl of Arrane, donator of the escheats of the said Johnne and Claude, £5000, as his portion of the penalty [see *ante*, p. 650 and p. 666]. Another forfeited surety for the Hamiltons.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Dominus de Thirlstane; Clericus Registri; Clericus Justiciarie; Murdocairny. Holyroodhouse, 13th November.

Sir Thomas Ker of Ferniherst, knight, having been appointed warden of the Middle March and keeper of Liddisdaill, and having proposed certain heads to the King and Council respecting that trust, and the King and Council having considered the disordered state of the Borders, "sa a greit nowmer of his Majesteis rebellis liand in Ingland upoun the Merchis, sterand up the wicked and brokin men of baith the realmes to truble and unquietness," it is resolved that, as the said Warden cannot manage at Fol. 112, b. present with his own forces, "thair salbe ane hundreth hagbuttaris with ane commander levyed, payit be his Hienes Thesaurar, directit to ly in sic place within the said Middill Merche as the said Thomas sall think maist neidfull quhill Candilmes nix to cum, and thaireftir, the cuntrie being brocht to a greittar stabilitie, fiftie or sa mony fewar as his Hienes and the saidis Lordis sall think necessar." Also, "becaus the castell of the Armitage, garnissit with sum horsmen, will serve mekill to the advancement of his Majesteis authoritie and service," the present keepers thereof are to be charged to render the same to Sir Thomas, "quhairin thair salbe ordinarlie intertenyit, at his Majesteis chargis, sax horsmen for the keiping of bettir reull thair, the wagis of the saidis horsmen being alwayis comptit and defalkit in the monethlie pay of the said hundreth hagbuttaris." Further, for order in Liddisdaill, the said Warden is to "deale with the Lairdis of Mangertoun and Quithauch, Robene Ellot of Reidheuch, Martine Ellot of Braidley, the Lairdis Jok, Johnne Ellot of Copschaw, and the remanent principallis of the branchis of Liddisdaill, requiring thame to gif plegis to be put in suir keping for gude redres to Ingland and Scotland fra the said Wardenis entrie to the said office," under pain of being pursued for disobedience. Sir Thomas Ker of Ferniherst Warden of the Middle March.

And, "seing it is not yit knawin fra quhilk tyme the officiaris of Ingland will crave redres for attemptis committit be ony of Teviotdaill or Liddisdaill in Ingland befoir the said Sir Thomas entrie to the said office," he is "to tak the ansuering of the saidis attemptattis upoun him," with assurance that his Majesty will relieve him in that matter. Command is also to be given to the late Warden-Clerk "to deliver to the said Sir Thomas the buikis, rollis, and scrollis belangand to the said office, and to accumpany him to dayis of trew for his bettir informatioun quhill he may be utherwise provydit, under the pane of rebellioun." The fees of the Warden himself and of his Clerk and officers are to be paid yearly by his Majesty's Treasurer. The Warden is to meet the Warden of the West March, so that they may consult "quhat thay have to crave of Ingland and ansuer for," and then to write to the opposite English Wardens informing them of his appointment, "and requiring meting to gif and tak redres for sic thingis as wardenis hes redressit of befoir." Finally, "becaus the said Sir Thomas wrak and ruyne of his leving throw his lang trublis past, quhairthrow he is not of power to retene and hald in hous his freindis or servandis, as his predicessouris did of befoir, quhen thay exercit the foirsaid office, and that the charge of keping of Liddisdaill quhairwithall he is now burdynnit wilbe verray sumptuous to him, specialie now at the beginning," he is to have an allowance of £1000 a year, to be paid, if possible, in victual "furth of the thriddis of Kelso, Melros, Coldinghame, Newbottill, Dryburgh, Dunfermling," or otherwise in money "be the generall-collectour of the superplus and thriddis."[1] Acta 1581–

Caution for William Crichton and others.

Caution by James Lindsay of Fairgirth in 1000 merks for Williame Creichtoun of Libere, in 500 merks for James Lindsay in Auchintagart, and in 1000 merks for Alexander Baillie, son and apparent heir of Williame Baillie of Bakbie, that Andro Samsoun and the other tenants of the lands of Kirkland in Sanquhar shall be harmless of them.

Sederunt—Ut in die predicto.

Holyrood-house, 16th November.

Forfeiture of caution for the Abbot of Cambuskenneth.

As, notwithstanding the band of caution in £10,000 by Patrik, Lord Drummond, Robert Drummond of Carnok, David, sometime Commendator of Dryburgh, and Robert Erskin, fiar of Dun, for the self-banishment of Adame, sometime Commendator of Cambuskynneth, furth of Scotland, Ingland and Irland [*ante*, p. 619], he has not left England since the date of the band, "and in the menetyme hes practizit, attemptit, and devysit and committit sindrie crymes of tressoun and lesemajestie," for which he has been forfaulted in the late Parliament [Acts of Parl. iii. 336–344], and as his cautioners nevertheless refuse to pay the sum for which they had become responsible, they are sued by the Earl of Montrois, his Majesty's treasurer. Robert Erskin, fiar of Dun, having been charged to pay his share Fol. 113, a

[1] Respecting Ker of Fernihirst see *ante*, pp. 395, 453. His promotion to be Warden of the Middle March at this time is significant.

Acta 1581–85. or to appear before the Council and show cause to the contrary, and both he and the Treasurer appearing personally, the Lords decern the said Robert to pay to the Treasurer the sum of £2500, being his share of the penalty, for the King's use.

Caution for JamesTweedie.

Caution in 1000 merks by Williame Cokburne, burgess of Edinburgh, for James Twedy of Drummelzeaire, that, when released from his ward in Linlythgow, he shall repair to Edinburgh and remain there till his trial [see *ante*, p. 698].

Edinburgh, 18th November. Another caution.

Like caution, in the same sum each, by Williame Sinclair of Roisling for Adame Twedy of Drava and Alexander Portuous of Glenkirk [see *ante*, p. 698].

Edinburgh, 19th November. Another caution.

Caution in 500 merks by Johnne Carmichaell of Medoflatt for Andro Sampsoun in the Kirkland of Sanquhar, that he shall appear before the justice in the tolbooth of Edinburgh on fifteen day's warning.

Edinburgh, 20th November. Band for Gilbert Lauder of Quhitslade.

Registration by James Lawder, as procurator for his father, Gilbert Lawder of Quhitslaid, and David Sinclair of Blanse, of a band of caution in 3000 merks by the said Gilbert, as principal, and the said David, as surety for him, that James Heriott of Trabroun, Mr Samuell Cokburne, brother of James Cokburne of Ormistoun, Mr Andro, Petir, and George Heriott, brothers of the said James, thair wives, bairns, tenants, and servants, shall
Fol. 113, b. be harmless of the said Gilbert. The band is subscribed at Blanse, 19th November 1584, before these witnesses: Johnne Romannos, Williame Leirmont, servants to the said David Sincler, and James Lawder.

Holyrood-house, 21st November.

Sederunt—Jacobus, Comes de Arrane; David, Comes de Crawfurd; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Dominus de Gray; Dominus de Thirlstane; Dominus de Downe; Commendatarius de Newbottill; Clericus Registri; Segy; Murdocairny.

Declaration of the King concerning Kirk Polity and the behaviour of the Clergy.

"Forsamekill as in our Soverane Lordis lait Parliament, haldin at Edinburgh upoun the xxii day of August last bipast, it wes statute and ordanit be his Hienes, with avise of the Thrie Estaittis of his realme, that all ministeris, reidaris, beneficit men, maisteris of collegis and scuillis, lyke as thay had thair levingis be his Majesteis beneficence and liberalitie, swa thay sould testifie thair humbill obedience to his Hienes and his lawis be thair subscriptionis manuall, as at mair lenth is contenit in the foirsaid Act [Acts of Parl. 1584, c. 2 iii. p. 347]: according to the quhilk, the ministeris, redaris, beneficit men, maisteris of collegeis and scuillis, within the diocie of Sanctandrois, on the southsyde of Forth, wer dewlie chargit to compeir befoir ane maist reverend fader in God, Patrik, Archibischop of Sanctandrois, thair ordinar, and utheris his Hienes commissioneris, upoun

the sextene day of November last bipast. Quhair thay first comperand, and Acta 1581. thaireftir presenting thame befoir his Hienes self, he be his awin mouth did declair the gude zeale and affectioun quhilk his Majestie hes to mantene the glorie of God and trew professioun of the Gospell presentlie be the gudnes of God establissit within this realme, as alsua to sett doun sic ane godlie forme of policie as myght best conserve and keip discipline in the Kirk and obedience to his Hienes lawis and auctoritie; willing the said ministeris, gif thay had onie scruple or doubt, ather concerning his Majesteis sinceir intentioun in the furthsetting of the trew word of God, or in onie of his lawis establissit be his Hienes, that thay wald utter the same in his awin presence, that thay micht ressave resolutioun and contentment be his awin declaratioun,—lyke as in deid thay all, in presence of his Majestie, nobilitie and Counsale, declarit that thay wald rander maist humbill obedience to his Hienes and his lawis, as it become faithfull preicheouris and trew pastouris, as also to publische be oppin preiching frome thair pulpittis the sinceir and upricht zeale quhilk thay fand in his Majestie to the promotioun and furtherance of the gospell and gude ordour within his realme; quhairof his Hienes was not a little rejosit, to heir and sie the ministerie foirsaid, without ony schisme or divisioun, professing the trew word and obedience of his Hienes thair lauchfull Soverane; for thairby he wes alwayis perswadit that, albeit sum of the ministerie had forgotten thair naturall dewitie to his Hienes, and be thair factious and seditious assisting his rebellis, departing furth of this realme without his licence, and joyning thameselffis with the conspirit inymeis of his croun laitlie fled in the realme of Ingland, notwithstanding that thair fault and offens was not ane sufficient reasoun to blott and stainyie the gude word of God and haill ministerie, off quhome sic a nowmer as wes presentlie convenit did sa dewtifullie and reverentlie offer thair obedience. Nevirtheles, sen that tyme his Hienes is informit that, albeit a gude nowmer of weill affectit ministeris, reidaris, and beneficit men hes done thair dewitie be signyng thair obedience be thair handwrite, as a testimoniall of thair fidelitie, nevirtheles sum of thame hes depairtit hame towardis thair houssis, chargis, and kirkis, not fulfilling his Hienes desire, and utheris hes comperit befoir his Hienes depute commissarie, lordis of counsale and chekkar, and, under pretens of conscience, hes refuisit to obey,—the contrair quhairof thay promissit and avowit in his Majesteis awin presence; albeit his Hienes be maist assured that nane of thame can be governit be the lyne of uprycht conscience to disdaine and contempt his lauchfull commandiment and authoritie, bot rather is movit, sterit up, and haldin bak be the malicious persuasioun and entysmentis of sic as can not be content to leif under obedience, bot as restles spreittis studyie to disquiet and molest his Majesteis estait, that in sic troublous procedingis thay may eschaip the puneisment of thair continewall rebellioun. And thairfoir, that his gude subjectis may have ane pruif of his gudwill and favour, and that the dissobedientis may feill be experience his displeasour, his Majestie ordanis and commandis the Lordis auditouris of his chekker, the collectour-generall, and utheris his officiaris

Acta 1581-85. appointit for modifeing of stipendis and ingaddering of the thriddis, that thay provyde honestlie and cairfullie for sic ministeris, reidaris and beneficed men as randeris to his Hienes obedience according to his lawis and Actis of Parliament, and subscrivis the same, reporting the testimoniall of thair bischop or commissioner thairupoun; as contrarywayis, commanding and chargeing his Hienes officiaris foirsaid, in his name and authoritie, to caus sequestrat, and in his Hienes name and authoritie intromit with and uplift to his Hienes use and behalf, the benefices, levingis, and stipendis of sic as sal happin to contravene his Hienes will and commandiment in this behalf, of all yeiris and termes bigane addebtit unto thame and of this instant yeir and crop, and that thay lowis not the sequestratioun bot upoun the testimoniall foirsaid. And, least it sall happin to ony of his Majesteis gude subjectis that he imposit ony kynd of burdingis . . . . quhilk is not lauchfull and agreable to the commandiment of . .

Fol. 114, a. . . . and maliciouslie calumpniat and sklanderit be seditious and ungodlie personis, trublaris of his commounwelth, thairfoir his Majestie, willing be all meanis to win the saidis ministeris, and that all excuise may be taikin away, hes, with avise of his Secreit Counsale, ordanit and commandit that nyne of the best leirnit and maist qualifeit ministeris within the boundis of the said diocie of Sanctandrois besouth Forth, viz., Maister Johnne Craig, Maister Andro Simsoun, Maister Patrik Kenloquhy, Johnne Clappertoun, Maister Nicoll Dalgleisch, Mr Adame Johnstoun, Mr Robert Poynt, Mr Williame Powry, and Mr Patrik Simsoun, sall compeir befoir his Hienes and his Counsale at his palice of Halieruidhous, or quhair it sal happin his Majestie to be for the tyme, the sevint day of December nix to cum, and thair gif unto his Hienes in write thair reasonis, allegationis, caussis, or auctorities, quhairby thay may in ony sort pretend dissobedience, that thay may ressave resolutioun thairof be his Majestie and sic men of judgment and literature as he sall assemble for that purpois at the day foirsaid. And, in the menetyme, that all his faithfull subjectis may be trewlie resolvit of his meaning, and that the mouthis of fals reportaris may be stoppit, his Hienes hes commandit ane mair ampill and full declaratioun of his meaning in his Actis of Parliament, specialie concerning the Kirk and ministerie thairof, to be set out in prent, that na man may pretend ignorance nor excuis, nor cullour thair sinister dealing under pretext of conscience, nor thair rebellioun under the pretext of religioun: Quhilk religioun, as it wes the gude pleasour of God that his Majestie sould be happelie brocht up in, swa he hoipis in Goddis mercy to continew baith himself and his realme thairin to his lyvis hand; willing all his gude subjectis to esteme thame as learis and seditious personis that sall utherwise slander his Majestie and his estait: certifeing thame that sall sua do thay salbe estemit inymeis to his croun. And, becaus his Majesteis rebellious and dissobedient subjectis now remaning exilit furth of this realme, and utheris thair favouraris within the same, of malicious myndis, hes not ceissit this tyme bigane, amangis utheris calumpnyis and untrewthis spred be thame, maist untrewlie to slander his Hienes, as that he had

maid defectioun frome the said trew and christiane religioun, and that he sould favour and drew into his cumpany Papistes and Jesuites, adversaris to the same, and that upoun the same fals rumour sum Papistes and Jesuites, his Hienes borne subjectis, have of lait presumit to repair frome the pairtes beyond sey in this realme, of intentioun to seduce his Hienes subjectis that will harken unto thame to inclyne to thair errouris and superstitioun: Thairfoir, and to the effect that sic evill occasioun may be avoydit heireftir, and that the authouris of the saidis calumpnyis may be knawin to be (as thay ar indeid) learis, and utheris mair simple brocht in doubt resolvit, ordanis and commandis all and sindrie his Hienes awin borne subjectis professing or avowing thameselffis in religioun Papistes or Jesuites, being alreddy within this realme, that thay, within the space of ane moneth eftir publicatioun heirof at the mercat croce of Edinburgh, and heireftir within the space of ane month eftir it sal happin ony of thame to arryve within this realme, devoid and remove thameselffis furth of the same, and on na wayis approche nor mak residence in ony pairt neir his Majesteis persoun and court in the menetyme, under the pane of deid: chargeing all and sindrie schireffis, stewartis, baillies, lordis of regaliteis and thair deputis, provestis, aldermen and baillies of burrowis, to seirche, seik, tak, and apprehend the personis contravenaris heirof, and to put, hald and keip thame in prisoun and captivitie quhill his Maejstie and his Counsale may be certifeit thairof, that the said pane may be execute upoun the saidis contravenaris with all rigour, in exemple of utheris. And that this present ordinance and proclamatioun be imprentit, quhairthrow the effect thairof may be knawin to all and sindrie quhome it efferis, alsweill without as within the realme."[1] Acta 1581.

Caution for Thomas Kennedy, tutor of Cassilis.

Caution in £10,000, by Sir Lues Bellenden of Auchynnowll, Justice-Clerk,

[1] The following facts may make this important document more intelligible:—On the 2nd of November 1584 a summons was issued in conformity with the Uniformity Act of the late Parliament in August 1584 (*ante* p. 684, footnote), requiring all ministers south of the Forth to appear before Adamson, Archbishop of St Andrews, and other officers, in the church of Edinburgh, on the 16th instant, there to subscribe the obligation prescribed by that Act, binding them "to obey with all humility his Highness' Acts of his late Parliament," and also to obey the "ordinar, bishop or commissioner," appointed or to be appointed by his Majesty, "to have the exercise of the spiritual jurisdiction." There was a large gathering of ministers on the appointed day; they were called to an interview with the King and Council in Holyroodhouse, and were addressed by his Majesty in strong terms; and, on the whole, their demeanour was so submissive that it was expected most of them would sign. Next day, however, when their signatures were required, "a great number, hearing wherewith they were to be urged, compeered not, and those who compeered refused to subscrive, except Mr Alexander Hume, person of Dumbar, Mr George Hepburne, person of Hawche, Mr Patrick Gaits, person of Dunce, Mr George Ramsay, deane of Restalrig, Mr Walter Hay, proveist of the Bathans, Mr James Hammilton, minister of Rathow, Alexander Foster, minister of Tranent, Alexander Lawder, minister of Lawder, Michaell Bonkill, minister of Innerweeke, Mr Cuthbert Bonkill, minister of Spott, Thomas Dale, minister of Stenton, with diverse readers" (Calderwood, iv. 210). The submission even of such a proportion of the clergy was regarded with sorrow by the Presbyterians; and James Melville, from his exile in England, addressed a letter of remonstrance "to the brethren of the ministry of Scotland who have lately subscrived to the popish supremacy of the King and ambitious tyranny of the bishops over their brethren."

Acta 1581–85. and Uthreid M^cDowell of Garthland, for Thomas Kennedy of Culzeane, tutor of Cassillis, that, when released from the castle of Blaknes, he shall enter in ward within the ports of Edinburgh and remain there till relieved: Mr David M^cGill of Neisbit, King's advocate, and Mr David M^cGill, his son and apparent heir, relieving the cautioners.

Sederunt—Ut in die predicto.

Holyrood-house, 22nd November. Commission to the Earl of Arran to repair the Castle of Edinburgh.

His Majesty, "understanding how his castell of Edinburgh, quhair his principall jowellis, moveables, munitionis, and registeris ar kepit, sen the last expugnatioun thairof, is destitute of sindrie necessar fortificationis, beting and repairing of sum wallis and placis decayed, to the greit dangeare of the same castell," and "having gude pruif of the fidelitie, diligence, and circumspectioun of his richt traist cousing and counsalour, James, Erle of Arrane, Lord Avane and Hammiltoun, his Hienes chancellar and capitane of his said castell, and of his experience and judgement in the airt militaire," gives full power to the said Earl "to seirche and espy the defaultis and elestis in the fortificationis of the said castell and blokhous thairof, and to consider how and in quhat maner the same may be best helpit, bett and amendit be stane and lyme, or . . and tymmer; and to that effect to change sic dykis, wallis, and rampieris as ar present, and to caus big the said . . . in sic forme, maner, and of sic materiallis
Fol. 114, b. as he sall think expedient and will devyise; as alsua to caus seirche and laubour for finding of a wall [*i.e.* well] in quhatsumevir placis convenient within the said castell:" with exoneration for all he may do in performance of such good service. And, "becaus the said work will require greit chargis, alsweill for the price of the materiallis as for the werkmennis feis and wageis," command is given to the Treasurer and his subordinates "to content and pay the same chargis and expenssis to the said Capitane, according to the dalie, oulklie, and monethlie compt to be gevin in thairupoun subscrivit with his hand." This present Act is to be their warrant.

Edinburgh, 23rd November. Caution by the tutor of Cassillis.

Caution by Thomas Kennedy of Culzeane, tutor of Cassillis, that his sureties, Mr David M^cGill of Neisbitt, and Mr David M^cGill, his son, shall be skaithless in the matter of the obligation foresaid. [See entry before last.]

Sederunt—Ut in die predicto.

Holyrood-house, 25th November. Archibald Geddes against Thomas Dempster, Sheriff-depute of Banff.

Complaint of Archibald Geddes, burgess of Edinburgh, as follows:—"Thomas Dempstar, younger, of Achterlis, allegeit schiref-depute of Banf, under Williame Douglas of Lochlevin, principall schireff, wardatar thairof, being restand awand to the said compliner this lang tyme ane certane sowme of money quhairof na payment could be gottin," the complainer's wife, when the said Dempstar was last in Edinburgh, had

caused him to be arrested till he found caution for payment. "At the quhilk the said schiref-depute conceavand injustlie ane offence, and berand greit malice aganis the said compliner thairfoir, althocht he was not present for the tyme, hes now laitlie, he beand in the north pairtis doand his lefull besines, according to his accustumat tred and trafficque, causit, be his precept, summond him to find cautioun that he sall compeir befoir him in ane justice court of Banf, to be haldin be him within the tolbuith of the samyn the nyntene day of December nix to cum, thair to abyde and underly the lawis for allegeit traterous convoying, outting and fenyeing of fals and adulterat cunyie of nonsantis, xxxs. pecis, and twa merk pecis, within the boundis of the said schirefdome and divers utheris placis, in the instant yeir of God jmvclxxxiiii yeiris, and for commoun foirstalling of our Soverane Lordis liegis; and hes causit the said compliner be his awin precept to find the said cautioun within sax dayis nixt eftir the charge, under the pane of rebellioun and putting of him to the horne; and, of verray malice, hes, at the leist intendis to caus schortlie, put him thairto, tending thairupoun to intromet with his haill merchandice and gudis coft be him in the cuntrie: lyke as to that effect he hes causit put his haill gudis and geir under fens and arreistment, quhill cautioun be fundin that the samin salbe furthcumand to his Hienes use and his, and in lyke maner hes put inhibitioun to all our Soverane Lordis liegis, that nane of thame blok nor sell with the said compliner." Acta 1581 It is submitted that such oppression, if permitted, would "induce sic a forme of dealing in this cuntrey that na honest merchand nor trafficquear may peciablie travell nor use tred;" also, that the said sheriff-depute has no power to direct precepts of summons in matters treasonable; also that the said arrestment of goods and inhibition of trade is against all law and order, especially against the complainer, "quha is knawin ane honest, trew travellour, at na tyme suspect of the saidis crymes forgeit and inventit be the said shiref-depute, bot hes levit hitherto trewlie and honestlie within the burgh of Edinburgh, quhair he presentlie remanis with his wyfe [and] familie;" also that, at the time of the pretended charge given to the complainer at the said sheriff-depute's instance, he offered George Ogilvie of Dunlugous as his cautioner to Patrik Chalmeris, sheriff-clerk of Banf, and likewise, at the time of the pretended arrestment of goods, offered Sir Walter Ogilvie of Findlat[er] as his cautioner to Williame Cumming, the arresting officer, both which cautions had been refused. Finally, that the King and Council "may understand that he is altogidder voyd of the said forgeit and inventit narratioun," he has found caution to the Justice-Clerk and his deputies for his appearance before them in the tolbooth of Edinburgh on the third day of the next justice air, or sooner on fifteen days' warning. His prayer, therefore, is that the said pretended precept, charge, and process of horning against him may be suspended.—Thomas Dempstar having been charged to appear, bringing his commission with him, to answer to the complaint, and for his "manifest usurpatioun of his Hienes authoritie," under pain of rebellion, and the Fol. 115,

Acta 1581–85. complainer appearing personally, but Dempstar not appearing, the Lords suspend the said commission and precept, discharge Dempstar from troubling the pursuer or his cautioners in virtue thereof, and also ordain him to be denounced rebel for his non-appearance.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Dominus de Gray; Dominus de Thirlstane; Dominus de Downe; Clericus Registri; Caprintoun; Murdocairny. Holyrood-house, 26th November.

Complaint by George Home of Wodderburne, and Symon Ritchardsoun and Johnne Baird, tenants of his lands and heritage of Hiltoun, as follows:—On the 2nd of October last, "Johnne and David Homes, lairdis of Blacader, and George Home, thair broder, with thair servandis and complices to the nowmer of xvi personis or thariby, bodin in armes," had come to the lands of Hiltoun, "quhair the said complineris saidis tennentis wes castand thair fewall and devat, and biggand dyke about thair corneyairdis," and there "maist cruellie persewit thame of thair lyves, struke and dang thame with the endis of thair stalffis and speiris in divers pairtis of thair bodeis, and chasit thame of the ground." They had daily continued the like molestation, so that the tenants dared not "laubour the saidis landis" for fear of their lives.—The persons complained against having failed to appear and answer, while the said George appears by his servant for himself and for the other pursuers, the order is to denounce the three Homes rebels. Order to denounce John, David, and George Home.

Sederunt—Ut in die predicto. Holyrood-house, 28th November.

Complaint by Jonet Bannatyne, the relict, and Williame, Hew, Cuthbert, Johnne, Margaret, Helene, and Cristeane Matheis, lawful bairns of the late Adame Mathie in the Kirkland of Affleck, as follows:—Johnne Craufurd in the Schaw, James Craufurd, his brother, and Johnne Andersoun, in the Orcheard, with thair accomplices, "of lang tyme bipast come to the Kirkland of Affleck, and thair, but caus or offence, cruellie murtherit Williame Mathie, gudsir to the saidis bairnis, and left his wyfe, thair guddame, with twelf bludie woundis, and dang and ourran twa of the said umquhile Williame Matheis bairnis, that thay alsua depairtit this lyfe within schort space thaireftir, and sua cruellie murtherit thrie personis, and left ane puir simple woman for deid with tuelf bludy woundis, and put ellevin bairnis that the puir man left behind him to beg in the cuntrey, all for the gredines of the rowme that the puir man dwelt into." Afterwards, "quhan as Adame Mathie, the saidis complineris fader and ane of the saidis bairnis, come to perfectioun and aige, and begouth to seik the ordinar cours of justice for remeid of his fatheris slauchter and spuilyie of his hous," the same persons "first purchest the said Adame to be stollin to the horne, tuke the gift of his escheit, and intromettit with his gudis, John Crawford and others of his family accused of four murders.

thairby to constraine him, for povirtie, baith to leif the cuntrey and his persute." Not content with this, the said Johnne Andersoun in the Orcheard, his son Adame Andersoun, and Johnne Craufurd, younger son of the said Johnne Craufurd in the Schaw, all by the sending and direction of the said Johnne Crawfurd of the Schaw, and Hew Craufurd, his eldest son, had, on the 18th of October last, come to the said Adame Mathie's dwelling place in the Kirkland of Affleck "under clude of nycht," and there "cruellie murtherit the said Adame, liand in his bed, as his bludie sairk beiris witnes." Thus there had been four murders in the family, and a widow and seven fatherless bairns had been reduced to beggary.—The usual charge having been given, and Williame Mathie appearing for himself and the other complainers, but Johnne Craufurd and Hew Craufurd, the only defenders cited, failing to answer, the order is to denounce them rebels. Acta 1581- Fol. 115, b

Holyrood-house, 30th November.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Joannes, Comes de Mortoun; Episcopus Orchadensis; Commendatarius de Newbottill; Dominus de Thirlstane; Clericus Registri; Prior de Blantyir; Murdocairny.

Commission for uplifting the rests of the thirds of benefices, so as to pay the arrears due to the Guards.

The King, "having assignit the restis of the thriddis of all benefices to his familiar servitour and traisty counsalour, Williame, Commendatar of Pittinweme, capitane of his Hienes gairdis, for payment and satisfactioun of all sowmes quhairin his Majestie is addebtit to thame for thair service done preceidand the first day of October last bipast," and considering the difficulty of obtaining payment of the said rests from those who owe them, —"quhairof a greit nowmer ar alreddy depairtit this lyfe, and ane uther pairt thairof ar becumin alluterlie depauperat and unhable to pay the samin, as alsua the maist pairt thairof yit on lyfe, quhan thay understand thay ar to be chargit for the saidis restis, commounlie absentis thameselffis,"—therefore, by way of remedy, with advice of his Council, "ratifeis and apprevis the commissioun grantit, at the instance of his said trusty counsalour, to certane of his Sessioun and utheris personis nominat thairin, to cognosce, decyde and decerne in the saidis restis, superplus of benefices, and utheris mentionat in the gift and dispositioun maid to him thairof, in all pointis." For the expeditious working of this commission it is regulated that the commissioners, or any two of them, "being of the nowmer of the ordinar Senatouris of the College of Justice," shall have full power, on the said Commendator's supplication, "to direct lettiris of horning and poynding, the executioun of the ane to be without prejudice of the uther, and the horning to be upoun ane simple charge of ten dayis allanerlie, to charge the personis upoun quhais heidis the saidis restis ar gevin up in the chekker comptis, alsweill sa mony of thame as ar yit on lyfe as the airis, executouris, or universall intromettouris with the gudis and geir of the personis quha wer addebtit thairin and ar deceist, without ony forder proces or decreittis, to pas aganis thame, personalie gif thay can be appre-

Acta 1581-85. hendit, and failyeing thairof at thair duelling placis;" such charge so given "to be of als greit force, strenth and effect aganis the personis upoun quhom the samin ar execute as gif thay wer personolie apprehendit," and the charges so given to the heirs, executors, &c., of persons deceased "to be als sufficient and of als greit force as gif decreittis of translatioun or uther particular declaratouris wer specialie obtenit aganis thame thairupoun:" provided that "all thair just and lauchfull defenssis quhilkis thay mycht propone be way of actioun be ressonit and discussit be way of suspensioun, upoun thair supplicatiounis that sall sute the samin, alsweill as gif thay had persewit summondis be way of actioun to that effect." Such suspensions, and all other suspensions granted at the instance of persons charged for the said rests and superplus, are to be given and granted by the deliverance of the said commissioners, or the said quorum of them, "and be na utheris, nather lordis of Sessioun, Secreit Counsale, or Chekker;" and they "salbe grantit upoun sic schort space as the judgis sall think gude;" and the citation of the said Commendator, or Walter Hendirsoun in Edinburgh, "quhom he nominatis for him," or of either of them, to answer, "salbe als sufficient, of the said Commendataris awin consent, as gif he wer summond himself thairto." Farther, his Majesty, with the advice of the Earl of Montrois, his treasurer, and of Sir Robert Melvile of Murdocairny, treasurer-depute, "declaris that howsone the saidis Commendatar or Walter Henrysoun sal happin to present to the said Lord thesaurar or Sir Robert letters of horning dewlie execute and indorsate, or decreit of deforcement aganis the personis awand the saidis restis, the said thesaurar or his depute sal have it in thair optioun" either [1] "to accept the letters of horning and decreittis of deforcement, to the effect that thay may caus uptak the escheittis of the personis denuncit or deforcearis, payand the principall debt restand to the said Commendatar, with the expenssis maid be him in executing of the said letters of horning and obtenand the saidis decreittis of deforcement, within the space of fourtie dayis thaireftir;" or [2] to "direct letters for uptaking the saidis escheittis and lifrentis to the said
Fol. 116, a. Commendatar or Walter Henrysoun, quha within the space of fourtie dayis thaireftir sall caus the escheittis and proffeittis of the lifrentis be uptaikin and intromettit with." Also, "gif onie seikis to compone thairfoir, the compositouris salbe maid be commoun avise of the said Lord thesaurar or his depute and of the said Commendatar or Walter Henrysoun." Finally, the proceeds are to be disposed of thus:—"Of the first and reddiest of the escheit gudis and lifrentis, or compositioun maid or gottin thairfoir, the said Commendatar or Walter Andersoun sall retene in thair awin handis the debt restand," with their expenses, "quhilkis salbe taxt and aggreit upoun be mutuall consent;" after which the superplus is to be equally divided, "the ane half thairof retenit be the said Commendatar, the uther half to be pait to the saidis thesaurar and his depute, to our Soverane Lordis use, be the said Walter Henrysoun, quha salbe debtour to the said Lord thesaurar thairfoir."

Acta 1581-

Holyrood-house, 2nd December.

Sederunt—Ut in die predicto.

Order to denounce John Galbraith.

Complaint of Paull Doig of Dunrobin, and Robert Forestar of Boquhane, his subtenant, as follows:—On the 6th of May last, "Johnne Galbraith, broder-germane to the Laird of Kilcreuch, with his complices, to the nowmer of sex personis or thairby," illegally armed, had "come to the ground of the saidis complineris landis, and boistit and minassit the said Robertis tennentis and servandis, being laubourand the ground for the tyme, gevand thame mony injurious wordis unworthie to be reheirsit, and offering thame strekis gif thay wer fund laubourand the saidis landis thairefter." Further, on or about the 20th of March last, "the said Johnne come in lyk maner to the ground of the saidis landis," where the sheriff-depute of Strivilingshire, according to a charge given him, was putting the said Robert in possession of the said lands, "and thair avowit to have his lyfe, bendit ane pistolett to that effect, and presentit the samin to him, lyke as he had not failyeit to have schott the samin at him, wer not he wes than stayit be sum personis being present." Still further, on the 15th day of September last, "the said Johnne come to the said Robertis servandis and scheiraris, and thair maisterfullie and be way of deid straik, hurt, and chaisit thame of the ground fra his cornis, and wald not suffer thame to scheir the samin, bot maisterfullie debarrit thame thairfra, and avowit to slay thame; quhair-upoun, albeit our schiref-officiar being thair present with ane precept, and dischargit him of all melling with the saidis cornis, yit he contemptuuslie dissobeyit."—Johnne Galbraith having been summoned, and Forestar appearing personally, but the said Galbraith not appearing, the Lords order Galbraith to be denounced rebel.

Protest in favour of Mr Patrick Gaits.

Mr Patrik Gaittis, minister, having appeared personally, and given in a copy of letters raised at the instance of Patrik, archbishop of St Androis, by which he, Mr Johnne Bennet, and Mr Petir Danielstoun had been charged to appear before the Council on a certain day now past, "bringand with thame thair presentationis, commissionis and titles quhairby thay clamit rycht to the personage and vicarage of Duns," that the Lords might decide which of them had the best right to the same, and the said reverend father, the Archbishop, being also personally present, and passing from the pursuit of the said letters, "as being raisit without his knawledge, as he alledgit," and the said Mr Petir Danielstoun, who is alleged to have been the real "purchessour" of the letters, not appearing "to persew nor defend in the said mater," the Lords, for these reasons, and because the day appointed for the appearance of the three claimants is past, admit the protest of the said Mr Patrik Gaittis "that he sould not be haldin to answer to the saidis letters, nor na forder to be proceidit aganis him be vertew thairof, quhill he be newlie warnit, and his expenssis modifeit and payit as appertenit."[1]

[1] Respecting Gaits, see *ante*, p. 704, footnote.

Acta 1581–85. Fol. 116, b.

Caution by Johnne Erskin, fiar of Dun, and James Gyb of Carribbir, for Johnne and David Home, lairds of Blacader, and George Home, their brother, in 3000 merks each, that they shall answer before the Council on the 10th of December inst. for molesting George Home of Wedderburne, and Symon Ritchardsoun and Johnne Baird, his tenants, in the possession of their lands of Hiltoun. [See *ante*, p. 707.]

Edinburgh, 3rd December. Caution for the Homes of Blackadder.

Caution in 500 merks by Mr Allane Martine, burgess of Sanctandrois, for Mr Williame Wallett, that he shall enter in ward within the castle of St Androis within eight days hereof.

Edinburgh, 8th December. Caution for Mr William Wallett.

Sederunt—Georgius, Comes de Huntlie; Joannes, Comes de Montrois; Patricius, Dominus de Gray; Dominus de Uchiltrie; Dominus de Thirlstane; Episcopus de Sanctandrois; Episcopus de Orknay; Dominus de Segy; Commendatarius de Newbottill; Computorum Rotulator; Clericus Registri; Prior de Blantyir.

Holyrood-house, 11th December.

His Majesty, having been moved "be the importune and untymous sutis of divers personis" to grant licences "for transporting of victuellis, flesche, talloun, and utheris forbodin gudis furth of the realme, althoch the same be expres aganis the lawis and Actis of Parliament and to the greit hurt of the commounweill," now, with advice of his Council, revokes the said licences, ordaining publication to that effect to be made at the market cross of Edinburgh, and discharging skippers from exporting the said goods under the penalties contained in the Acts.

Revocation of licences to export victuals, &c.

His Majesty having, with advice of his Council, on the death of the late Robert, last commendator of Dunfermling, resolved to apply the fruits of the said abbey to the support of his own house and estate, and appointed Johnne Fentoun, comptroller clerk, as "yconimus" and chamberlain of the abbey, is nevertheless "liklie to be frustrat of his expectatioun" by the fact that the said abbacy and other benefices of the late Commendator "have bene dilapidat and greitlie extenuat throw certane giftis, pensionis, or monkis portionis, furth of the same, purchest be divers personis," and by "the clames of certane giftis, fewis, and takkis of lairge pairtis of the saidis fruitis and rentis, disponit be the said Commendatar sen the surprysing and taiking of his Hienes maist nobill persoun furth of the custodie of Alexander Erskin of Gogar, Maister of Mar and capitane of the castell of Striviling," on the 26th of April 1578. His Majesty, therefore, with advice of the Lords auditors of his exchequer, desiring that the grants, rents, and profits of the Abbey should come to him as they were at that date, and remembering that "the said umquhile Commendatar, being suspect culpable of that tressounable fact and utheris tressonable crymes attemptit aganis his Hienes persoun and estait thaireftir, and being in dangeare of the lawis for the same, ceissit not to mak mony fraudfull and unproffitable dispositionis of the fructis, rentis, and commoditeis of the said Abbay

Revocation of all gifts, feus, and tacks set of the abbacy of Dunfermline by the late Commendator since April 26, 1578.

and benefices," now revokes and annulls all gifts, feus, and tacks furth of the said benefice made to any person since 26th April 1578, ordaining the said chamberlain to intromit with the profits and duties of two parts of the said abbey, and the collector-general with the third of the same, "siclike and in the same maner as thay wer intromettit with befoir the day and yeir foirsaid." From this revocation, however, there are expressly excepted the gifts made to the following persons out of the said abbay: Alexander Erskin of Gogar, Mr George Young and his spouse and the longer liver of them, Williame, Commendator of Pittinweme, Andro Wod of Largo, Sir Robert Melvile of Murdocairny, Alexander Clerk of Balbirny and his son, and Mr George Halket, conservator of the privileges of the Scots nation in Flanders. Acta 1581-Fol. 117,

Abbey of Scone and the Earl of Crawford.

The lands which of old were called the lordship, barony, and regality of Scone, erected into the earldom of Gowry in favour of the late Williame, Earl of Gowry [1581, c. 76, iii. 263], having lately returned and fallen into the King's hands through the forfeiture of the said Earl [1584, c. 23, iii. 304], and it being alleged that a part of the said lands, mills, woods, and fishings contained in the said erection were set in feu to divers persons after the 6th of March 1558, "without onie confirmatioun obtenit of our Soverane Lordis derrest moder or his Hienes thairupoun," so that "the saidis infeftmentis ar null be ane expres Act of Parliament maid thairanent" [1584, c. 8, iii. 351], his Majesty, meaning always that the said lands, barony, lordship, and regality, with all their rights, "sall abyde with his rycht traist cousing and counsalour, David, Erle of Crawfurd, Lord Lindsay, his airis and assignayis, heretablie, for the said Erllis gude, trew, and thankfull service done to his Hienes, eftir the forme and tennour of the infeftment maid to him and his foirsaidis of the samin," therefore ordains that no confirmation be made of any infeftment of feufarm yet unconfirmed of any lands belonging to the said abbey, "except at the requeist of the said David, Erle of Crawfurd, and his airis, and for compositioun to be pait to thame."

No beneficed person to be allowed benefit of law who has not subscribed the obligation of ecclesiastical conformity.

"The quhilk [day] it is statute and ordanit be oure Soverane Lord, with the avise of the Lordis of his Privie Counsale, that na beneficit man, minister or reidar or maister of colledge or scuill, salbe hard in tyme cumming, to persew or defend befoir his Hienes or his said Privie Counsale, or befoir the Lordis auditouris of his chekker, or the senatouris of the College of Justice, or commissaris, untill thay have first subscrivit thair obedience to his Hienes and his lawis, and als to thair ordiner bischop or commissionar constitute be his Majestie in ecclesiasticall caussis in the diocies quhair thay duell, according to the tennour of his Hienes lait Actis of Parliament [Act of Parl. 1584, c. 2, iii. 347], and schaw sufficient testimoniall of thair said obedience, or utherwise subscrive the samin than presentlie in Counsale; the forme quhairof his Majestie ordanis alwayis to

Acta 1581–85. be reddy in the counsalhous, chekkerhous, and tolbuith, quhenas it sal happin the same to be callit for to the effect foirsaid."[1]

Sederunt—Ut in die predicto.

Fol. 117, b. His Majesty, "having ressavit and considerit the supplicatioun presentit be the Chancellar, Rector, Dene of Facultie, and remanent Maisteris and Professouris of the Universitie of Sanctandrois, concerning Mr Williame Cranstoun, Regent in the Auld Colledge, quha cravis preferment in the samyn, notwithstanding that he is ane mareit man," and "having taikin resolutioun that it can not stand with his Hienes pleasour, nather can it aggrie with gude ordour, that Regentis sould be joynit in mareage, nor that thay sould remane in Collegis eftir thair mareage," finds the supplication reasonable, and therefore ordains letters to issue charging all the authorities of the University, "and in speciall Maister James Martine, provest of the Auld College," that none of them "tak upoun hand to grant ony assent to the said Maister Williame or onie uther mareit persoun," and this "upoun certane knawledge that sic personis ar not abill to serve in the ordiner functioun of Regentis; according to the quhilk, his Majestie hes gevin to the said Mr James his Hienes awin speciall commandiment verball, as alsua hes commandit and licencit him to returne to his ordiner cuir and administratioun of the said Auld College, with ane expres inhibitioun that he on na wayis contravene this his Hienes command and resolutioun, notwithstanding onie his Majesteis lettar purchest or to be purchest in the contrair." Proclamation to this effect is to be made at the market cross of the city of Sanct Androis and other places needful. Holyrood-house, 18th December. Order that there be no married Regents in Colleges.

As, notwithstanding previous proclamations forbidding passage by the ferries over the Firth of Forth on account of the plague, there is still "continewall transporting of personis at the Quenisferrie and utheris pairtis," the King and Council, "upoun a supplicatioun presentit be the provest and baillies of Kinghorne, and assuirance gevin thairby that for thair passage and ferrie of Prettycur thay salbe answerabill," have, after taking the opinion of the Bailies and Council of Edinburgh, concluded that, till farther order, "thair salbe na passage ower Forth be the ferry boittis at ony pairt, except onlie betuix Leith and the Prettycur." The bailies of Edinburgh or their deputes are to inspect New regulation for the ferries across the Firth of Forth during the Plague.

[1] The stringency of this Act marks the small success that had hitherto attended the pressing of the obligation of ecclesiastical compliance. In addition to those ministers south of Forth named already as having subscribed in November (*ante* p. 704, footnote), there were, indeed, in December, counted a few more,—such as John Craig, John Duncanson, Alexander Hay, Patrick Kinlochy, and William Pourie. Some of these, however, had subscribed with the saving clause "according to the Word of God," which was allowed them. Three of those who had yielded, it may be noted, were three of the nine who had been summoned, as representives of the opposing clergy generally, to argue the matter before the King on the 7th of December (*ante*, p. 703). Another of those nine, Mr Andrew Simson, had invented a milder formula of his own, and subscribed that; but the remaining five—Robert Pont, Adam Johnston, Nicol Dalgleish, Patrick Simson, and John Clapperton—still stood out. The first three of these five, indeed, had been committed to ward for their obstinacy.

the licences of boats and persons at Leith, and the bailies of Kinghorne to inspect them at Prettycur, "admittand nane bot sic as salbe subscrivit be his Majestie and twa of his Counsale, and ane baillie of Edinburgh for sic as passis to the north schoir, and ane baillie of Kinghorne for sic as cummis thairfra to the south schoir;" and all licences to be granted by his Majesty hereafter are to "serve onlie for passing and not returning of the personis purchessouris thairof," and none are to return without testimonial from the said bailies of Kinghorne or their deputes. Charge is to be given to "all and sindrie skipperis, marineris, and ferryaris at Brintiland and Quenisferry," forbidding them to transport passengers at these ferries, notwithstanding past licences, on pain of death; and charge is also to be given to the sheriff of Linlithgow and his deputes, and to the Provosts and Bailies of Edinburgh, Leith, and Kinghorne, "to direct thair commissioneris to the ferreis of Brintiland, Quenisferry, and Abirdour, and tak the saillis fra the rais of all the ferry boittis on baith the sydis of the watter." Acta 1581

Edinburgh, 19th December.

Caution for Cunningham of Drumquhassel and others.

Registration by Mr James Foullis, as procurator for Johnne Logane of Balvay, and Robert Sempill, fiar of Foulwood, of a band of caution by these two persons in £2000 for Johnne Cunninghame of Drumquhassill, and in £500 each for Matho Cunninghame, his son, Williame Cunninghame of Fynwik, Andro Cunninghame in the Catter, William Stewart, Alexander Reddoch, Williame Barnard, James Jochtir, servants to the said Laird, James Bullisland, Johnne M'Clay, Johnne M'Rob, Walter Blair, Williame Wigsoun, Thomas M'Ilquhonie, Nicoll Cunninghame of Blairquhois, Williame Cunninghame, his son and apparent heir, and Barnard Cunninghame in Boforyng, that Patrik Danielstoun in Trenebeg, his tenants and servants, shall be harmless of them. The procurators for registration of the band are Mr Johnne Russell and Mr James Fowlis; and the witnesses to the subscription are Mr Walter Blair, notary, Hew Glen, servitor to James, Earl of Glencairne, Williame Stewart, servitor to the said Laird of Drumquhassill, and Matho Logane, servitor to the said Johnne Logane of Balvay. [The band is dated and subscribed at Kilmarnok, December 17, 1584. Fol. 118,

Holyroodhouse, 22nd December.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Patricius, Dominus de Gray; Dominus de Uchiltrie; Dominus de Thirlstane; Episcopus Sanctandrois; Episcopus de Orknay; Segy; Computorum Rotulator; Clericus Registri.

Adjournment, on account of the Plague, of actions by persons north of the Forth.

Farther adjournment of all actions in Edinburgh by persons living north of the Forth to the 10th of March next, on account of the infection of Fyfeshire and the burgh of Perth with the plague. The order is the same in form as the previous order of 6th November, *ante*, p. 697, but with the addition that, "becaus thair hes bene sum abuse in the granting of licencis and testimoniallis for passing and repassing ower the ferreis," his Majesty remits the care of the ferries to the provost, bailies, and council of Edinburgh.

Acta 1581-85. Registration by Mr Henry Balfour, as procurator for Mr Johnne Stewart, burgess of Striviling, and his son-in-law, Umphra Cunninghame, commis- Fol. 118, b. sary of Striviling, of a band of caution in 1000 merks by Stewart for Cunninghame, that Patrik Denneistoun, his bairns, tenants and servants shall be harmless of him. Subscribed at Stirling, December 20, 1584, before these witnesses: Nicoll Cunninghame of Blairquhois, Barnard Cunninghame in Boqunhinnings, Williame Hude in Stirling.

Edinburgh, 23rd December. Caution for Umphrey Cunningham in Stirling.

Sederunt—Ut in die predicto.

Holyrood-house, 24th December.

Johnne Andersoun, Thomas Halden, portioner of Eister Kelour, Thomas Halden, his son, Andro Martine in Ochtertyre, and Patrik Creichtoun, son of Patrik Creichtoun in Newtyld, appearing as charged, and Archibald Grahame, son of Grahame of Garvok, at whose instance they were summoned, also appearing, it was alleged by Grahame "that the foirsaidis personis had deforcit oure Soverane Lordis officiar direct for uptaking of the moveable gudis and geir quhilkis pertenit to the said Johnne Andersoun, and now pertening to the said Archibald Grahame, as donator to his escheit for the caus specifeit in the gift maid to him." To this it "wes ansuerit be the said Johnne Andirsoun that the letters of horning quhairupoun the said gift proceidit wer suspendit to ane certane day," for reasons stated in the letters of suspension as produced before the Lords. After hearing parties, the Lords remit the matter to be decided by the proper judges, but meanwhile order the keepers of the house of Balcraig, belonging to Andersoun, to deliver the same to him within six days after the charge under pain of rebellion.

Dispute between John Anderson and Archibald Grahame.

Sederunt—Ut in die predicto.

Holyrood-house, 29th December.

Johnne Barroun in Strabrane having appeared according to summons, it was laid to his charge that he, "be himself and certane utheris hieland and brokin men, inhabitantis of the shirefdome of Perth, be his instigatioun," had, at divers times past, molested the tenants and labourers of the lands of Ballintone; which lands, after the forfalture of the late Earl of Gowry, had been given to the Earl of Montrois. The answer of the accused was "that, umquhile Barroun, his fader, possessour of the samin landis for the tyme, being accusit and justifeit to the deid for a slauchter committit be him, the said Johnne thairefter obtenit the gift of his escheit, and quhatsumevir thingis wes done be him, or ony utheris of his causing in this cais, wes be vertew of letters past upoun the said gift for repossessing him to the saidis landis." Being asked "gif ather he or his said umquhile fader had tak, rycht, or uther securitie of the same landis," Fol. 119, a. the accused answered "that be himself he had nane, bot that his said umquhile fader had siclike rycht as utheris the tennentis of the lordschip of Ruthven." What sort of right this was the accused did not define, nor did he produce evidence of any right; "bot, be the contrair, it wes

John Barron, and the tenants and labourers of certain lands of the late Earl of Gowr

affermit be the said Johnne, Erle of Montrois, that the said Johnis umquhile fader wes ordourlie removit fra the saidis landis afoir his deceis, and utheris tennentis possest to occupy the samyn, payand maill and dewitie to the said sumtyme Erll of Gowry, as thay have done sen his foirfaltour to the said Johnne, Erll of Montrois." The King and Council, accordingly, "haveand consideratioun of the said Johnne Barrounis inordinat proceiding," declare him to have "done wrang in molesting and troubling of the tennentis and possessouris of the saidis landis," and ordain him to desist from troubling them by himself or others, and in the meantime to be "retenit in captivitie quhill he find cautioun to the effect foirsaid, under the pane of fyve hundreth pundis." Acta 158

Edinburgh, 13th January. Caution for David Preston of Craigmillar and others.

Registration by Mr Williame Hart, as procurator for the parties, of a band of caution in £2000 by David Prestoun of Craigmillar, Robert Pacok in Brigend, Thomas Pacok in Camroun, Andro Hoppringle, Williame Pacok, Robert Dowglas, servants to the said David Prestoun, and Johnne Pacok, son of the said Thomas, as principals, and Williame, Lord Hay of Yester, Mr Johnne Prestoun, elder, burgess of Edinburgh, and Johnne Prestoun, his son and apparent heir, advocate, as sureties, that Johnne Hutchesoun, merchant, burgess of Edinburgh, his tenants and servants, shall be harmless of the said principals, especially in the possession of the lands "callit Kingis Medow, besyde the said burgh of Edinburgh, and of that pairt thairof nixt adjacent to the burne callit the Figott Burne, on the north syde of the samin, being a propir part and pertinent of the aidis landis of Kingis Medow." Subscribed at the Bothes and Edinburgh in January 1584, before these witnesses: Mr Williame Hart, advocate, Williame Hay and Thomas Scot, servitors to the said Lord, Mr George Ramsay, dean of Restalrig, Symon Prestoun, brother of the said David, and James Pringill, servant to the said David.

Edinburgh, 18th January.

Sederunt—Jacobus, Comes de Arrane; Dominus de Gray; Jacobus, Dominus de Downe; Dominus de Thirlstane; Clericus Registri; Murdocairny; Caprintoun; Blairquhan; Lochinver; Segy.

The Earl of Cassilis to pay his late father's share of the forfeited caution for the Hamiltons.

The late Gilbert, Earl of Cassillis, having become in 1573 one of the sureties in the sum of £40,000, for Johnne, sometime Commendator of Abirbrothok, and Claude, sometime Commendator of Paislay, convicted traitors since then, the present Johnne, Earl of Cassillis, and Fol. 119 Thomas Kennedy of Culzeane, his tutor, have been summoned to hear the said Earl decerned to pay £5000, as his fathers' share of the said penalty, to the Earl of Arrane, donator to the escheat of the Hamiltons. Parties having been called, and Mr David M'Gill, King's advocate, the prosecutor, appearing by Mr Johnne Schairp, his procurator, and the Earl of Arrane appearing personally, but the defenders not appearing nor showing cause for themselves, the Lords decern the Earl of Cassillis to pay to the Earl of Arrane the said sum of £5000. [See similar decrees in the same business, *ante*, pp. 650, 666.]

Acta 1581–85. Fol. 120, a. Adame, sometime Commendator of Cambuskynneth, having been forfaulted, and his sureties, four in number, having incurred the penalty of £10,000, in which they had become bound for him [Acts of Par. iii. p. 332], Patrik, Lord Drummond, and Robert Drummond of Carnok, are now sued by the Earl of Montrois, his Majesty's Treasurer, for their shares of the penalty [*ante*, p. 619]. As they do not appear or show cause for themselves, the Lords decern them to pay the said shares, £2500 each, to the Treasurer for the King's use.

Lord Drummond and Drummond of Carnock: their penalties as cautioners for the Commendator of Cambuskenneth.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Patricius, Dominus de Gray; Jacobus [Dominus] de Downe; Dominus de Thirlstane; Clericus Registri; Murdocairny; Caprintoun; Blairquhan; Lochinver; Segy.

Holyrood-house, 19th January.

His Majesty's debts by the unpaid expenses of his house have been still increasing, notwithstanding sundry "solempnit revocationis" heretofore made of gifts, pensions, etc., granted out of "the rentis, specialie of the collectorie, quhairwith the propirtie mon be suppleit." The cause of this is the assiduous persistence of those who had once tasted the commodity of Fol. 120, b. such bounty "to get thair former giftis renewit, ratifeit, apprevit or exceptit out of the saidis revocationis,"—whereas, if the Collector-general and his officers "had intromissioun with the haill, his Majesteis awin necessitie wald be first relevit, and than the necessar pensionis and feis pait." And so, his Majesty and the Lords Auditors of his Chekker understanding that all the fruits, rents, profits, and duties falling to his Majesty by virtue of his Revocatioun of the 8th of November 1583 [*ante*, p. 609], confirmed as that had been by the Lords of Council and Session on the 25th of the following March, and ratified by Parliament in the 22nd of May 1584 [Acts, iii. 307], are, by the still valid sequestration and arrest of them at the instance of the collector-general, "yit extant to his Hienes behuif, notwithstanding ony pretendit new gift, ratificatioun or exceptioun past of the same or ony part thairof sensyne:" therefore, his Majesty, with advice of his Council and the Lords of his Chekker, "ratifeis and apprevis his said revocatioun, and now as of befoir revokis, cassis, and annullis all giftis, pensionis and feis revoikit thairin," ordaining letters to issue "for answering, obeying, and payment-making to the said collectour-generall, his deputes and officiaris in his name, of the haill fruitis, rentis, proventis, and emolumentis of the saidis thriddis and collectorie, of the crop and yeir of God $j^{m}v^{c}lxxxiiii$ yeiris, notwithstanding onie speciall assignatioun thairof in pensioun, fie or utherwyis, within ten dayis efter the charge, under the pane of rebellioun," and also "that the pensioneris and feallis be answerit of thair feis and pensiounis in money eftir the first day of August nix to cum, upoun new directioun efter the generall collectouris comptis be maid and hard and his Majesteis necessitie first servit of the reddiest."

New ratification of the revocation of all gifts and pensions out of the Collectory.

Holyrood-house, 20th January.

Sederunt—Jacobus, Comes de Arrane, cancellarius;[1] Joannes, Comes de Montrois; Patricius, Dominus de Gray; Commendatarius de Pittinweme; Dominus de Downe Clericus Justiciarie; Clericus Registri; Prior de Blantyir; Murdocairny. Acta 1581

Patrick White denounced.

Patrik Quhyte in Pittinweme to be denounced for not appearing before the Privy Council as charged.

Raids of Highland robbers in Lennox, Stirlingshire, &c.

The King and his Council being informed "that his gude and peciable subjectis inhabiting the cuntreis of the Lennox, Menteyth, Strivilingschyre, and Stratherne, ar havelie oppreist be reif, stouth, sorning, and utheris crymes, dalie and nychtlie usit upoun thame be certane thevis, lymmaris, and sornaris, laitlie brokin lowis upoun thame furth of the brayis of the cuntreis nixt adjacent," charge is given to the following persons to attend the Council on the 28th of January instant, under pain of rebellion, to give information as to the means of repressing these outrages:—George Buquhannane of that Ilk; Andro M^{c}Farlan of the Arroquhair; Colquhoun of Lus; James, Earl of Glencairne; Johnne Cunninghame of Drumquhassill; M^{c}Cawlay of Ardincapill; George Grahame, tutor of Menteyth; James, Lord of Doun, steward of Menteyth; Duncane Campbell of Glenurquhy; Coline Campbell of Ardbeth; Lord Methven; Ewin M^{c}Gregour, tutor of Glenstra; James Menzeis of that Ilk; Johnne Murray of Tullibardin; James Galbrayth of Kilcreuch; James Edmonstoun of Duntreyth; James Schaw of Knokhill; Hary Schaw of Cambusmoir; Ewir Campbell of Strathquhir; Edward Reidhewch of Cultebragane; Johnne Murray of Strowane; Alexander Stewart of Glennis; William Stewart of Grantuly; Coline Campbell of Glenlyoun; Johnne Campbell of Lawaris; James Chisholme of Cromlix; Sir Archibald Naper of Edinbillie; Mr Johnne Halden of Gleneges.

A number of Border Lairds to appear before the Council.

Charge to the following persons to appear before the Council on the 10th of February next to answer "concerning thair obedience to his Majestie and quieting of the countrie:"—Johne Turnbull of Mynto; Walter Turnbull of Bewlie; James Turnbull of the Tour; Robert Turnbull, son of the Laird of Beddroule; William Bennet, brother of Mungo Bennet of Chesteris; James Turnbull; . . ; James Turnbull of . . ; Williame Dowglas of Caveris, sheriff of Roxburgh; . . James Douglas, brother to the said sheriff; Andro, *alias* Dand, Douglas of Tympenden; Patie Dowglas, his brother; Robert Ellot of Reidheuch; Gawin Ellot of the Stobbis; Turnbull of Wauchop; Williame Turnbull of the Bernhillis; Robert, Gawen, and Hectour Turnbull, his brothers; Andro Turnbull of the Bernhillis, their father's brother; Fol. 121,

[1] Arran is now named officially by his title of Chancellor, the Earl of Argyle, with whom he had been associated in the chancellorship seven months ago, being dead (see *ante*, pp. 665, 675, footnotes).

Acta 1581-85. Andro Turnbull of Howden; George Turnbull, and Robert Turnbull, his brothers.

Sederunt—Jacobus, Comes de Arrane, cancellarius; Georgius, Comes de Huntlie; Joannes, Comes de Montrois; David, Comes de Craufurd; Patricius, Dominus de Gray; Willielmus, Dominus Hereis; Lochinver; Master of Gray; Thirlstane, secretarius; Commendatarius de Newbottill; Commendatarius de Pittinweme; Prior de Blantyir; Murdocairny; Commendatarius de Dryburgh. Holyrood-house, 29th January.

Alexander, Lord Home, relieved of his ward, and allowed to go home or elsewhere. Lord Home freed from ward.

Sederunt—REGE PRESENTE—Jacobus, Comes de Arrane, cancellarius; Georgius, Comes de Huntlie; Comes de Glencarne; Joannes, Comes de Montrois; Commendatarius de Pettinweme; Patricius, Dominus de Gray; Dominus Hereis; Dominus Downe; Thirlstane, Secretarius; Master of Gray; Lochinvar; Commendatarius de Newbottill; Prior de Blantyir; Murdocairny; Sir William Stewart. Holyrood-house, 1st February.

Complaint by Patrik, Master of Gray, sheriff-principal of Forfarshire, and James Bonar, his depute, that they had been decerned by the Privy Council to pay to Alexander Clerk of Balbirny, collector-general of the last taxation, the sum of £369, 1s. 8d., "as for the taxatioun of the said sherefdome collectit be thame" [*ante*, p. 666], although they had previously made payment, at the command of the King's precept, to James Huntar, "glasinwrycht," in part payment of "sum debtis awand to him be the Kingis Majesteis thesaurar." Although they have Huntar's acquittance and the said precept in evidence, yet, for obedience to the said decreet, they have made payment again to the said Alexander Clerk, collector: "at the leist fund him cautioun for payment at ane certane day." They submit, therefore, that Huntar ought to be made to repay them.—Huntar having been charged to do so, or to appear and show cause to the contrary, and the complainers both appearing personally, and James Huntar by William Huntar, his son and procurator, and it having been pleaded on Huntar's part that, though he had received the said sum from the com-
Fol. 121, b. plainers, it had been "in part of payment of ane gretar sowme awand to him be his Majestie, quhairof alwyse his Hienes, and his Thesaurar in his name, aucht and suld releif him," the Lords, having considered the whole case, suspend all letters raised by the collector against the said sheriff, his depute, and their cautioners, or against the said James Huntar, until he shall obtain payment of the sums due to him by the King, "at the leist of samekle as will extend to the sowme foirsaid." Suspension of letters against the Sheriff and Sheriff-depute of Forfarshire.

Registration by Mr Johne Moscrop, advocate, as procurator for the parties,

Edinburgh, 3rd February. Caution for Gilbert Lauder of Quhitslaid.

of a band of caution in £1000 by Gilbert Lawder of Quhitslaid (Balbard), as principal, and Andro Ker, son and apparent heir of Sir Thomas Ker of Phairnehirst, Thomas Ker of Mersingtoun, and David Sinclair of Blanse, as sureties, that the said Gilbert shall behave as a dutiful subject, shall not molest any of the lieges, and that he and his fortalice of Quhitslaid shall be delivered to the King's officer, when required, on six days' warning. The band is subscribed at Edinburgh on the 1st February. Acta 1581

Edinburgh, 5th February. Caution for Mr David Auchmutie.

Caution by Robert Durie, fiar of that Ilk, for Mr David Auchmutie, "iconomos" of the New College of Sanct Androis, that the fruits and rents of the said college intromitted with by him shall be forthcoming to all parties having right to the same.

Holyrood-house, 10th February.

Sederunt—Jacobus, Comes de Arranie; Joannes, Comes de Montrois; Dominus Downe; Thirlstane, secretarius; Archiepiscopus Sancti Andree; Commendatarius de Pettinweme; Commendatarius de Newbottle; Murdocarnie; Clericus Justiciarie; Clericus Registri; Sir William Stewart. Fol. 122,

Abuses in the service of his Majesty's officers of arms.

The King and Council understand "the grete inconvenientis quhilk his Hienes and his subjects daylie sustenis throw the ignorance, malice, or manefest iniquitie of certane officiaris berand his Hienes armes, quhilkis, resaving letters to be put to executioun, ather in caussis criminale or civile, belanging ather to his Majestie or his subjectis, fraudfullie and wilfullie abusis thair offices be the informale and wrangus execution thairof, and specialie in caussis criminale be ressaving of unlawfull souirteis, being callit upoun the samin cryme, and sumonding of superflew assysaris abone the number specialie appointit in the Act of Parliament maid thairanent [1579, iii. 143, 144], to the heavie truble of mony landit men, yemen and burgessis, quhilkis ar oftymes compellit, for salftie of thair travellis and expenssis, to pay compositioun to the saidis officiaris." It has also been complained to the King and Council "that sindrie of the saidis persones, pretending thameselffis to be officiaris of armes, ar langsyne lauchfullie depryvit be Lyoun King of Armes, for divers informaliteis and enormeteis usit and committit be thame, and yit nevertheles still uses and exerces thair offices as thocht thay stude lauchfullie admittit." His Majesty, therefore, with advice of his Council, ordains:—[1] That charge be given to the Lyon King of Arms, and James Purdie, Ilay Herald, his clerk, within fifteen days after being charged, to deliver to the Treasurer or his depute, Sir Robert Melvile of Murdocairny, "ane cataloge of the names of the haill persones lauchfullie admittit to beir his Hienes armes within this realme, heraldis, extraordinar maseris, maseris, pursevantis and messingeris, with the names of the cautioneris found be thame the tyme of thair admissioun for the faithfull useing and administratioun of thair offices, and the forme of the Act and obligatioun maid thairupoun with the dait thairof." [2] That charge be given to all stewards, bailies, sheriffs, lords of regalities,

Acta 1581–85. sheriffs, provosts, and bailies of burghs, etc., to deliver within the same time to the same persons "the names of quhatsumever persones that ar actuall induellaris and makis residence within thair jurisdictiounes and uses the office of armes, to the effect it may be sene and understand gif ony persones usurpes the use and exercise of the said office of armes." [3] That charge be given, by open proclamation in the head burghs, to all persons alleging themselves to be officers of arms, "that thai, within the space of ten dayis nixt efter the charge, gif up thair awin names and the names of thair cautionaris to the shereff of the schyre quhair thay dwell or makis residence, that thay may signifie the samin to the said Lord thesaurer or his depute," with certification that, if they fail, they shall be esteemed as usurpers of office and punished with all rigour. [4] That charge be given, by similar proclamation at the market crosses of burghs, to all the lieges that have complaint to make against any officer of arms, "that thay gif in thair complaint thairupoun to the said Lord Thesaurer or his depute foirsaid, within the space of xv dayis efter the publicatioun heirof."—Further, as an Act of Parliament had been made "becaus messingers and curreouris wer sleuthfull in presenting and delyvering of our Soverane Lordis letters and charges," his Majesty ordains due observation of that Act in future [1481, c. 5, ii. 139]: "that is to say, howsone that ever his Hienes letters be writtin, that thair
Fol. 122, b. be a sufficient persone of the thesaurarie stuffit with money, to mak the expenssis of the officiaris beraris of the saidis letters, and that thay be autentik persones and weill horsit men, specialie in Edinburgh or quhair his Majestie sall mak residence for the tyme; certefeing thame that refussis his Hienes service, or that ar unprovydit to serve with sufficient horssis quhen thai sal happin to be chargeit, thay salbe incontenent depryvit of thair offices and utherwys condignelie puneist in thair bodeis, to the terrour of utheris to commit the lyk offence heirefter."

Edinburgh, 11th February. Caution for Robert Ker and others.

Caution in 2000 merks by Robert Ker in Maynehous, George Ker, younger, of Fawdounsyde, William Ker, Andro Ker, Walter Ker, his brothers, Walter Ker, and Robert Ker, brothers of Andro Ker of Fawdounsyde, Thomas and Robert Ker, sons of the said Robert Ker in the Mainehous, and Johnne Haistie, younger, in Bolden, as principals, and Robert Hege (Haig) of Bemersyde, as surety, that James Sinclair in Ewingstoun, his servants and tenants, shall be harmless of the said principals, especially in the possession of the lands and steading of Ewingstoun: Johne Andro subscribing for Robert Ker in the Maynehous, "becaus I can not wryt."

Holyrood-house, 14th February. Order for the fencibles of the West March to be ready to muster.

The King and Council, understanding that certain inhabitants of the King's proper lands, "sumtyme callit the Debetable Landis," within the West Marches, and also some of the tenants and servants of the Earl of Mortoun and other landlords within the same bounds, "being chargeit be his weil-belovit Sir Johne Johnstoun of Dunskellie, knycht, his wardane and justice within the samin boundis, to enter befoir him," for answering to certain "billis and complainttis of Scotland and Ingland," have contemp-

tuously disobeyed, ordain proclamation to be made at the market crosses Acta 1581
of Drumfreis, Lochmaben, Kircudbrycht, and Wigtoun, commanding all the fencibles within the boundis of the West March, under pain of "tinsell of lyfe, landis, and gudes," to meet, with fifteen days' provision, the said Lieutenant and justice at Annane, when charged, on six days' warning, for service against the said rebellious subjects.

Holyrood-house, 19th February.

Sederunt—Jacobus, Comes de Arrane, cancellarius; Joannes, Comes de Montrois; Patricius, Dominus de Gray; Dominus de Downe; Thirlstane, secretarius; Master of Gray; Commendatarius de Newbottle; Archiepiscopus Sancti Andrie; Clericus Registri; Computorum Rotulator; Murdocarny; Sir William Stewart.

Revocation of licences for eating flesh in Lent.

A number of persons having, notwithstanding the Acts of Parliament and Council prohibiting the eating of flesh in Lent, and on Wednesdays, Fridays, and Saturdays, obtained "previe licences" dispensing with the law, Fol. 123,
without due testimonials of age, sickness, or infirmity, thus increasing the dearth of all kinds of flesh, the King, with advice of his Council, revokes all licences of dispensation, and ordains that no sick licences shall be granted hereafter without a testimonial, subscribed "be ane phisitioun, and twa honest witnessis, of the aige, seiknes or infirmitie of the persones sutaris of the samin." Proclamation is to be made to this effect in Edinburgh and elsewhere.

Holyrood-house, 20th February.

Sederunt—REGE PRESENTE—Jacobus, Comes de Arrane, cancellarius; Patricius, Dominus Gray; Dominus Downe; Thirlstane, secretarius; Magister de Gray; Commendatarius de Pettinweme; Clericus Registri; Computorum Rotulator; Murdocarnie; Sir William Stewart.

Promise of reward to Robert Hamilton of Inchmauchan for revealing a plot.

Robert Hammiltoun of Inchemauchan having "reveillit and disclosit ane treassonable practize and interpryse intendit to have bene execute aganis his Hienes and sum of his nobilitie and estaittis be certane of his Majesteis awin borne subjectis, quha, being takin, apprehendit and put to the knawlege of ane assyse thairfor, wer convict, and sum of thame justefeit to the deid for the same, as thay worthelie deservit," his Majesty, with advice of his Council, acknowledging the importance of this service of Hammiltoun, and willing to testify his sense of "his treuth, honestie, gudwill, and affectioun," according to a supplication which he has presented to the King and Council, now declares that the said Robert, by revealing the said treasonable interprise, has merited "favour, gudwill, and remembrance," which his Majesty "promittis be thir presentis, *in verbo principis*, to extend towards him, to the lestand weill of him and his posteritie, howsone occasioun thairto onywyise may be offerit," with exoneration meanwhile for all that he has done in the said business.[1]

[1] The service done by Hamilton of Inchmauchan consisted in information of an alleged conspiracy of the Banished Lords in England and their adherents in Scotland against the King's life or liberty. Sir James Edmonston of Duntreath, Cunningham of Drumwhassel,

Acta 1581–85. James Ros in Mayboill, Gilbert Ros, his son, there, Johne Masoun and Johne M^cKnedar, burgesses of Air, Johne Fowlar in Tarbowtoun, Adame Turbet in Richartoun, Johne Millar, vicar of Symontoun, Alexander Angus, Fol. 123, b. and Johne Kenedie, all notaries, having failed to appear before the Council and produce their protocols and other acts and memorials belonging to their office, as charged, are to be denounced rebels. To denounce James Ross and others.

Representation and application of Patrik, Archbischop of Sanctandrois, as follows :—Mr Peter Danielstoun, having obtained the King's presentation requiring the Archbishop to "try and examinat" his "qualificatioun and literature to serve in the cure of ministrie within the Kirk of God, and, gif he fund him qualefeit, that the said reverend fader suld grant to the said Mr Peter his collatioun and admissioun of the personage and vicarage of Dunse, lyand within the said reverend faderis diocie, than vacand be deceis of umquhile David Home of Fischewike, knycht, last persoun and possessour thairof," had subsequently obtained other letters, by deliverance of the Council, charging the Archbishop, in respect of the ascertained sufficiency of the said Mr Peter, to grant him collation and admission within a certain time, under the pain of rebellion and being put to the horn. The execution of these last letters, the Archbishop submits, would be unjust. He was willing to have admitted the said Mr Peter to the benefice, having found him "of sufficient literature and sound of doctrine;" but, before this could be done, "Mr Johne Bennet, minister, obtenit letters of presentatioun direct to the said reverend fader of the samin benefice; quha obtenit his collatioun and admissioun thairupoun, and thairefter transactit and agreit with Mr Patrik Gaittis, minister at the said kirk of Dunse, be compulsioun of the Generall Assemblie and Presbeterie, Holyroodhouse, 24th February. Mr Peter Danielston, Mr John Bennet, Mr Patrick Gaits, and the benefice of Dunse.

and Cunningham's son-in-law, Douglas of Mains, having been arrested on this information, the first of these, to save himself, had, on the 8th of February 1584–85, made a deposition, in his prison in Edinburgh Castle, before the Earl of Arran, Chancellor, the Earl of Montrose, Treasurer, Sir John Maitland of Thirlstane, Secretary, and Alexander Hay, Clerk-Register. It professed to be based on what the deponent had heard from a certain "Black John Hume of the Law," and was to the effect that the Banished Lords had first intended to send a force of 1000 or 1200 horse to seize the King and his chief councillors in Holyroodhouse; had then changed their plan, and proposed to employ thirty or forty men to catch the King by himself some day in the fields, and carry him to some place of strength where the Banished Lords might gather round him; but had finally, in despair of the success of either of these plans, resolved to pick out eight or ten men to waylay the King in any town where he might chance to be, and assassinate him. Tried on the charge of complicity with this plot, Cunningham of Drumwhassel and Douglas of Mains had been executed at the Cross of Edinburgh on the 9th of February, indignantly repudiating the charge to the last. The Banished Lords also, both in a declaration made in London, and in a letter of supplication addressed to King James himself, repudiated the charge as an abominable absurdity, hinting that it had been concocted by Arran, or in his interest. They told the King emphatically at the same time that the best of his subjects, upon "frivolous causes" and "such calumnies," were at that moment "ather imprissouned, banished, executed, or forfaulted," and "their possessions converted to the use of some poor wretches of obscure lineage and not born to a foot-breadth of ground." They put this question to the King :—"The whole strenths of your realme, are they not in *their* hands who brag to be descended of Duke Murdo?" The house of Ochiltree, of which Arran was a scion, traced itself to Sir Andrew Stewart, grandson of Murdoch, Duke of Albany, brother of Robert III., and Regent of Scotland during the captivity of James I. in England.

alledgeand that thair wes ane act maid be thaim that all benefices vacand suld be disponit to the minister serving at the kirk thairof, lyk as the said Mr Patrik wes than serving at the said kirk, and be vertew thairof hes obtenit collatioun, admissioun, and institutioun of the said benefice be the Presbeterie than new erectit, and nocht be the said reverend fader, his ordiner." There being thus three persons claiming the benefice,—Mr Peter Danielstoun, found sufficient by the Archbishop; Mr Johne Bennet, actually collated by the Archbishop; and Mr Patrik Gaitts, minister in possession by process of the Presbytery, under an Act of the General Assembly, but without the consent of the Archbishop,—the Archbishop pleads that it is for the King and Council to decide which has the best title, and that the letters of horning obtained against himself by Mr Peter ought to be suspended in the meantime.—The three claimants having been summoned to appear, bringing with them their titles, to hear the matter decided, and the said Archbishop, Peter Danielstoun, and Mr Patrik Gaittis, all appearing personally, but Johne Bennet not appearing, the Lords find that the presentation and admission in favour of Mr Peter Danielstoun was duly and orderly given, and that the presentations and admissions granted to Bennet and Gaittis are null,—[1] "becaus the admissioun grantit to the said Mr Johne Bennet be the said reverend fader wes efter the said presentatioun past to the said Mr Peter, and befoir the tryell or report maid of his habilitie or inhabilitie for the charge contenit thairin"; [2] because "the admissioun grantit of the samin benefice to the said Mr Patrik Gaittis, be admissioun of the said Mr Johne Bennet (conforme to ane act maid of the said Assemblie that a minister suld be provydit to that benefice quhairat he prechit and maid residence), wes be ane presbeterie new erectit be the said Assemblie, and nocht be the said reverend fader, his ordinar, aganis all ordour and consuetude heirtofoir observit, and to the hurt of our Soverane Lord in his patronage, the samin electioun of Presbeterie being nawyse allowit nor authorizeit be his Majestie nor his Estaittis, and the samin admissioun being gevin in the tyme of his Hienes restraint and captivitie, propetrat at Ruthven, and persequute thairefter at Perth, Streveling, and Halyrudehous." Farther, the Lords suspend the letters obtained by the said Mr Peter against the Archbishop, "becaus he hes gevin collatioun and admissioun to the said Mr Peter of the samin benefice." Acta 1581– Fol. 124, a.

Holyrood-house, 25th February.

Caution for Archibald and James Edmonston.

Caution by Robert Grahame of Knokdoliane for Archibald Edmestoun of Ballintone and James Edmestoun of Newtoun, in 3000 merks each, that they shall behave as loyal subjects, not resetting or intercommuning with the King's traitors, and that they shall appear before the Council on six days' warning. On the margin of the entry are written the words—"Deleit be a warrand subscrivit be the Kingis Majestie, his thesaurare and secretare, daitit at Haliruidhous," 10th February, 1585: John Andro.

Acta 1581–85.

Sederunt—Patricius, Dominus Gray; Dominus Doun; Thirlstane, secretarius; Commendatarius de Pettinweme; Archiepiscopus Sancti Andree; Clericus Registri; Computorum Rotulator; Murdocarnie; Sir William Stewart. Holyrood-house, 26th February.

The following orders respecting Johne, Earl of Morton, Lord Maxwell:— [1] To denounce him rebel for not appearing before the Council as charged, to answer "twicheing the gude reull and quietnes of the West Marches," and for not receiving and convoying Geordie Armestrang, son of Will Armestrang, called Will of Kinmont, and Hekie Armistrang, son of Andro Armestrang of the Gingillis, from the pledge chamber of Dumfreis, and Fol. 124, b. presenting them before the King and his Council. [2] To charge him, under pain of treason, to enter in ward in the castle of Blaknes, within six days after being charged, for not appearing before the Council as commanded to answer for his man, Cristie Litill, who had put violent hands on the King's messenger, Thomas Scot, while executing the King's letters at the market cross of Drumfreis, and for not having entered the abovementioned Geordie and Hekie. [3] To command him, and the other keepers of the castles of Carlaverok, the Traif, the house in Drumfreis, Mernis, and Drochellis, to deliver the same to the King's officers within twenty-four hours after being charged, under pain of being pursued as traitors. [4] Because he has refused to relieve the King and warden for his said men, to charge his friends, and principals of the clans of the West Border dwelling on his lands, whose names shall be given in bill, to appear before Johne Johnestoun of that Ilk, warden of the West March, "to mak suirtie for thair dew obedience and releif of King and wardane," under the pain of rebellion, or else to appear before the Council to have order taken with them. Various orders respecting the Earl of Morton.

Complaint of Johne Hoddum in Kirkmichaell, tenant and servant to Alexander Kirkpatrik of Kirkmichaell, as follows:—On the 11th of January last, "being gangand in quyet and peaciable maner besyde his awin pleuch in Kirkmichaell," he had been attacked, for what cause he knows not, by William Johnestoun, brother of Wilkene Johnestoun of Elscheschеillis, and Adame Johnestoun, also his brother, "bodin in weirlyke maner." They had "hurt and woundit him in the thowme of his hand, to the effusioun of his blude in grete quantitie, and hes mutilat and demembrat him of the samin; lyk as thai cuttit his pleuch and struik his gudes." Fol. 125, a. The complainer appearing by the said Alexander Kirkpatrik, but only one of defendants, William, having obeyed the summons, the other, Adame Johnestoun, is to be denounced rebel. John Hoddum against William and Adam Johnston.

Sederunt—Georgius, Comes de Huntley; Joannes, Comes de Montrois; Willelmus, Dominus Hereis; Patricius, Dominus Gray; Jacobus, Dominus Down; Thirlstane; Clericus Registri; Dryburgh; Murdocarny. Holyrood-house, 3rd March.

George Preston of Haltree against Walter Halyburton, William Scott, and others.

Complaint of George Prestoun of Haltree that, on the 11th of December last, Johnne Ker, son of Thomas Ker of Kippelaw, dwelling in Selkirk, Walter Halyburtoun, brother to the Laird of Martoun, Williame Scott of Halyden, George Ker of Dodingtoun, Englishman, with their accomplices, "bodin in feir of weir," came, "in the gloming of the evening," to his lands of Haltree, "and thair, be way of stouthreif, reft, spuilyeit, and awaytuke fyve oxin, foure ky, ane broun naig, worth twenty pundis."—Halyburtoun and Scott, having been summoned to answer but not appearing, while the complainer appears personally, are to be denounced rebels. Acta 1581–

Holyrood-house, 8th March.

Complaint of Sir Thomas Ker of Fernihirst, Warden of the Middle March.

As, "at the lait dayis of trew" held by Sir Thomas Ker of Fairnyhirst, warden of the Middle Marches, with the opposite English wardens, certain persons who had been "ordourlie fyllit" in English bills, "ather absentit thameselffis or refusit to entir for releif of his Hienes and his said wardane," so that the Warden, "being pressit be the opposite wardanis, wes constranit to entir and deliver sum of his awne officiaris or servandis to remane and abyde upoun his expenssis quhill payment and releif of the saidis billis," charge is to be given to the "personis fyllit" to enter themselves, and also to their masters to enter them, for relief of the Warden's said officers and payment of their expenses "during thair lying in England," within forty-eight hours after the charge, under pain of rebellion.

Orders relating to Ker of Cesfurd, late Warden of the Middle March.

Among the "personis fylit" and defaulting as above are Andro Ker of Auld Roxburgh, Adam Ker in Marbottle, and other tenants and servants of Williame Ker of Cesfurde [Fernihirst's predecessor in the wardenship of the Middle March]. Ker of Cesfurde, "being presentlie in warde," has left no bailie or depute "to mak his men, tennentis, and servandis answerable for releif of his Hienes and his said wardane;" nor has he "causit Robert Menteith, sumtyme his wardane clerk, compeir and produce the buikis and rollis of his office of wardanre during the tyme that he occupiit that charge; quhairthrow the said present wardane is disappointed of his dew informatioun." It is, therefore, ordained [1] that Ker of Cesfurde enter the said Andro Ker and Adam Ker before the present warden; [2] that the "said Wardane constitute ane landit gentleman of his kin baillie or depute" for him during his absence and remaining in ward, who may be answerable for his men and tenants, and who shall be required to present Robert Menteith, late warden clerk to the said Laird of Cesfurde, "with the buikis and rollis during his service in that office," before the King and Council, that the same may be delivered to the present warden. This is to be done "within ten dayis nixt eftir the said Laird of Cesfurde be chargeit thairto, under the pane of rebellioun and putting of him to the horne." Fol. 125, b.

Caution in £1000 by Andro Ker, apparent of Pharnyhirst, that Johnne

Acta 1581–85. Hoppringle of Murehous shall remain in ward with Sir Thomas Ker, warden of the Middle March, till relieved by the King; and therefore James Stewart of Schillinglaw, lieutenant to the guard, who now keeps the said Johnne, is ordained to release him. Caution for John Hoppringle.

All preceding Acts of Parliament and Council against intercommuning with the traitors who surprised the castle and burgh of Striviling in April last have been "planelie violat, contempnit, and contravenit be sindrie of his Majesteis subjectis, quha sen the making thairof hes takin upoun thame that bauldnes to keip prevey tryistis with sum of the saidis declarit tratouris in secreit cornaris and pairtis of this realme, to send and ressave fra thame letters and messageis, to intercommoun and ressett thair servandis, assistaris, and parttakaris, direct within this realme as organis and instrumentis to accomplish the better thair foirsaid tressone:" of the effects of which his Highness and some of his nobles "wer liklie to have had the pruif or now," had not God, of his mercy, disclosed their practices, and "grantit unto thame thair just deservit punishment" [*ante*, p. 722, footnote]. Accordingly, his Majesty now, though he has not hitherto "sa narroulie delt thairin" as to follow forth the Act of Parliament to the letter [1584, c. 7 iii. 294–296], yet "hes thocht gude to declair that in tyme cuming his Majestie will nawise forbear, delay, nor spair the executioun of, the pane appointit in the said Act," and therefore, with advice of his Council, ordains proclamation to be made at the market crosses of the head burghs to that effect, and inhibiting the lieges "to ryd, gang, beir armes, assist or tak parte with ony of the saidis declarit tratouris, rebellis, and conspiratouris, thair assistaris, pairttakaris, nor na utheris to be directit fra thame as organis and instrumentis," or furnish them with meat, drink, house, or harboury; but, "howsone thay or ony of thame cumis within ony pairt of thair severall rowmes, that thay tak and apprehend thame gif thay be of pouer sa to do, or uthirwise schoute and raise the fray for concurrence to be had of thair nychtbouris for thair apprehensioun:" with certification to all who fail in any point that they shall be reckoned equally guilty, and punished as traitors with all rigour. Holyroodhouse, 9th March. New proclamation against intercommuning with the Banished Lords and their agents.

Fol. 126, a.

The pestilence still continuing on the coast of Fyfe and at Perth, all causes in the Courts or before the Privy Council in Edinburgh in which persons living north of the Forth are concerned, "except sik actiones as ar appointit to be procedit upoun be his Hienes particular letters," are again suspended to the 20th of April [*ante*, p. 714]. "His Majestie hes alsua concludit and resolvit that in the meantyme, quhill the day foirsaid, na publict resorte nor mercate salbe haldin within the burrowis of Perth and Dysert, bot in sum partis ewest to the samin, quhairunto his Majestie expreslie inhibitis, commandis and ordanis the inhabitantis of the saidis burrowis on na wise to repair, except a few nowmer, being clene and without suspitioun of the said disease, to by victuallis and sik uthir thingis as ar necessar for thair clething and sustentatioun, undir the pane of deid." Also, there having Further suspension of actions by parties north of the Forth: with new orders respecting the Plague.

been abuse in the granting of licences for passing the ferries, the care of Acta 1581-8
that matter is again remitted to the provost, bailies, and council of Edinburgh.

Holyrood-house, 10th March. Acquittance by the widow and son of the late Clerk-Register, Mr James McGill

Registration by Jonnett Adamsoun, relict of Mr James M^cKgill of Rankelour Nethir, clerk of register, and by Mr James M^cKgill of Rankelour Nethir, his son and heir, of an acquittance by which they acknowledge receipt of 1050 merks from Patrik Thomesoun, "ypothecar," eldest son of the late Thomas Thomsoun, "ypothecar," burgess of Edinburgh, in full and complete satisfaction of a decree arbitral pronounced between the parties by certain arbiters and by Sir Robert Melvill of Murdocarny, oversman, and registered in the books of Privy Council on 3rd February 1581, "tuicheing the restitutioun and entering of the said Patrik to his lugeing houssis, yairdis, and pertinentis thairof, lyand within the burgh of Edinburgh upoun the north syde of the Kingis Streit thairof, pertening to him in heritage, presentlie occupiit be us."[1] The said Jonett and Mr James oblige themselves Fol. 126, b
to make the said lodginghouses and yards "void and red," delivering the keys thereof to the said Patrik by 18th March instant, and also to grant to him discharges of the annuals owing furth of the said lodging during their occupation of the same. The acquittance is subscribed at Edinburgh on the 10th March 1584 before these witnesses: Alexander Hay of Eistir Kennett, clerk of register, Mr Johnne M^cKgill, and Adam Thomsoun, "ypothecar:" Alexander Hay, notary public, subscriving for the said Jonnett, "becaus I can nocht write."

Caution for William Johnston.

Caution in 500 merks by Johnne Johnnstoun of that Ilk and Wilkane Johnnstoun of Eschescheillis for Williame Johnnstoun, brother of the said Wilkene, that Alexander Kirkpatrik of Kirkmichaell, and Johnne Hoddoum in Kirkmichaell, his tenant, their wives, bairns, and servants, shall be harmless of the said Williame [*ante*, p. 725].

Edinburgh, 11th March. Caution for Mr Gideon Murray.

Caution in £5000 by James Murray of Blakbarrony for Mr Judiane Murray, his brother, that, when released from the castle of Edinburgh, he shall keep ward in the town, "quhill the kingis Majestie declair forder of his mynd toward him."

Edinburgh, 13th March. Caution for Adam Fortoun and William Jaffray.

Caution by Mark Home in Hardeismylne, and Johnne Home, son of Johnne Home of Crumstane, for Adam Fortoun in Kymmerghame and Williame Jaffray in Ramrig, in 500 merks each, that they shall appear before the Council on fifteen days' warning: Johnne Andro subscribing for William Jaffray, "becaus I can nocht write."

Holyrood-house, 18th March.

Sederunt—Joannes, Comes de Montrois; Patricius, Dominus Gray; Willelmus, Dominus Hereis; Robertus, Dominus Seytoun; Jacobus,

[1] See *ante*, p. 441, where, however, the record is imperfect. The present entry reflects light on that.

Acta 1581–85.

Dominus Doun; Joannes Maitland de Thirlstane; Newbottle; Culrois; Clericus Registri; Murdocarny; Dominus Willelmus Stewart.

King's declaration of the innocence of George and John Home, accused by Home of Wedderburn.

It having been deponed by George Home of Weddirburne that George Home, son of Alexander Home of Manderstoun, when sent lately to apprehend David Home of the Law, "suld have mett secreitlie in the nycht with his brother, the priour of Coldinghame, at Tueid," and also that Johnne Home, called the Huntar, brother-german to the said Alexander, "suld haif playit publictlie in Beruik at pastymes with sum of his Hienes declarit tratouris and rebellis now remaning in England, kepit cumpany with David, sumtyme Commendatar of Dryburgh, at table, eit and drank with him, [and] suld haif send advertisment to Johnne Home of the Law, callit Blak Johnne, and bad him eschew, for
Fol. 127, a. he wald be tane, and that James, Erll of Arrane, Lord Avane and Hammiltoun, suld have offerrit gude deid to the said Johnne Home the Huntar to tak the said Blak Johnne,"[1] his Majesty, "being desirous to understand the certantie baith of the ane and of the uthir, and for the same purpois having herd and considerit the depositiones and declarationes of certane utheris personis," finds, with advice of his Council, that, "for ony thing that thay have yit hard," the deposition and assertions foresaid are not proven. Therefore, as he "will and dois esteme the saidis George and Johnne Homes to be free, innocent and nawise gyltie of the crymes foirsaidis, and the rather for that thay ar content and offerris thame to abyde the tryale of his Hienes lawis," he commands all the lieges "on na wayes to tak upoun hand to repute, esteme, murmour, detract, nor sklander the saidis George and Johnne Homes as gilty of the cryme foirsaid," unless they will make the same good at law, "under the pane to be persewit and punist as lesing-makaris."

To denounce Mr David Maxwell.

Mr David Maxwell, servitor to Johnne, Earl of Mortoun, to be denounced rebel for not appearing before the Council as charged.

Edinburgh, 20th March. Caution for Stirling of Keir.

Caution in £10,000 by Williame Levingstoun of Kilsyth, and Johnne Murray of Polmais, for Sir James Striviling of Keir, that he shall keep ward in Edinburgh till freed.

Holyrood-house, 22nd March.

Sederunt—Huntley; Montrois; Craufurde; Down; Gray; Thirlstane; Murdocarny; Segy; Lochinvar; Clerk Register; Blairquhan; Sir Williame Stewart.

James Tweedie of Frude against James Tweedie of Drummelzier and others.

Complaint of James Twedy of Frude, as follows:—On the 4th and 5th of February last, Johnne Twedy, brother-german to James Twedy of Drummalzear, Robert Provand, his domestic servant, David Haswell in the Kirkland of Drummelzear, and James Bullo in the town of

[1] See *ante*, p. 723, footnote.

Drummelzear, both servants and tenants of the Laird of Drummelzear, and by his special instigation, came, in the complainer's absence—"he then being at his entree as presonar and captive takin be the Grahames of Esk, Englishmen, and brokin thevis of that Bordour, in the releif of James Stewart, younger, of Schillinglaw, then alswa takin be thame"—to his lands of Mosfennane, within the sheriffdom of Peblis, and there, "be way of manifest oppressioun and bangistree," not only attacked Martine and Walter Hendirson, his ploughmen, "being than labouring thairat"—threatening "to cutt thame in peceis gif thai thaireftir suld be fundin to do the same or ony uthir his lauchfull service," but also "lousit his said pleuch, cheissit the oxin being in the samin, and compellit his saidis servandis and plewmen to desist fra thair labour in the seasonable tyme of the yeir," so that, for fear of their lives, neither they nor any others durst put plough in these lands or in others near them.—The accused having been summoned, the order is to denounce David Haswell and James Bullo for not appearing. Acta 1581 Fol. 127,

Holyrood-house, 22nd March.

Revocation of all feus and tacks made out of the Abbey of Dunfermline since 26th April 1578.[1]

The Abbey of Dunfermline having become vacant by the decease of Robert, "last commendator thairof," it had pleased the King, with advice of his Council, "to reserve and retene the fruitis and rentis of the said abbay to his awne propir use for the supporte of the chargeis of his Hienes house and estate," and therefore to constitute Johnne Fentoun "economus and chalmerlane" of the said abbey. His Majesty, however, "is lyklie to be frustrat of his expectatioun be a wanting of ane grite pairt of the commoditie of the fruitis, rentis, and profittis of the said abbay;" and he and other patrons of benefices possessed by the late Commendator are also "grettumlie prejugeit in thair patronageis" by the fact that all the late Commendator's benefices "have bene dilapidat and gritlie extenuat throw certane giftis, pensionis and monkis portionis furth of the same, purchest be divers personis, as alsua be the clames of certane giftis, fewis and takkis, or large pairtis of the saidis landis, fruitis, and rentis thairof disponit be the said umquhile Commendatar sen the surprising and taking of his maist noble persoun furth of the custodie of Alexander Erskin of Gogar, Maister of Mar and capitane of the castell of Striviling for the tyme, committit upoun the xxvi day of Aprile, the yeir of God j^{m}v^{c}lxxviii yeiris." For "the said umquhile Commendatar, being suspect culpable of that tressonable fact and of utheris tressonable crymes attemptit aganis his Hienes persoun and estate thaireftir (as the maist tressonable ligis and bandis maid and subscrivit be him and certane utheris of his detestable factioun, sene and notoriouslie knawne to his Majestie and saidis Lordis of Secreit Counsall, beiris sufficient recorde), and being in dangear of the lawis for the same, ceissit nocht to mak mony fraudfull and unproffitable dispositionis of the fruitis, rentis, and commoditeis of the said abbay and benefices, in manifest prejudice of his Hienes and uthiris Acta 1585 Fol. 11, b. Fol. 12, a.

[1] This entry occurs out of its proper date, not being recorded in the Register till between 31st July and 5th August 1585.

ta 1581-85. patronis thairof, and of the successouris that suld happin to succeid thairto, quhilkis ar nawayes to be admittit nor allowit." His Majesty, therefore, with advice of his Council and of the Lords Auditors of Exchequer, revokes and annuls all gifts, tacks, and feus made furth of the said abbey to any person since 26th April 1578, ordaining the said economus and chamberlain to uptake and intromit with the two parts of the said abbey, and the collector-general with the whole third of the same, "siclike and in the same maner as thai war intromettit with befoir the day and yeir foirsaid, and that of the terme of Martymes laste bipast and of the crop and yeir of God instant, notwithstanding ony fewis, takkis and giftis maid or gevin be the said umquhile Commendatar sen the day and yeir of God foirsaid, or yit sen the deceis of the said umquhile commendatar, and that nane of the saidis fewis, takkis, or giftis, be admittit, or ony of the like heireftir be grantit, past or exped, without expres advise and consent of the haill officiaris of his estate, being of his Hienes prevey Counsall togidder sittand, as the said economus and chalmerlane will answer to his Hienes upoun the executioun of his office at his utter perrell." Letters are also to issue at the instance of the said economus and chamberlain for giving effect to this order; and the present declaration in Council shall be "als sufficient warrand and securitie to the intrometouris with the saidis fruitis as gif the saidis fewis, giftis and takkis wer specialie callit for and reducit." It is his Majesty's intention to have his declaration established by express law in the next Parliament: "unto the quhilk tyme na prejudice aucht to be ingenerat to his Hienes be the saidis pretendit fewaris, takkismen and possessouris foirsaidis, bot the saidis fruitis, rentis and dewiteis aucht and suld be gadderit, collectit and inbrocht to his Hienes use." He, therefore, ordains particular "factoreis to be maid for intromissioun thairwith to his Hienes use as said is, and publicatioun baith of his Majesteis said declaratioun and of the said factoreis to follow thairupoun to be maid at all places neidfull;" and he discharges the Lords of Council, Session, and Exchequer, and all other judges and law-officers, from deciding "in ony actioun quhatsumevir quhairin his Hienes declaratioun foirsaid may cum in questioun in ony sorte, directlie or indirectlie," till next Parliament shall take order in the matter. The Act closes with these words:— "Reservand alwayes the thingis exceptit in his Hienes lait revocatioun maid to the effect foirsaid upoun the xi day of December last bipast, as alsua the tak sett be the said umquhile Commendatar and convent to James Stewart of Tullipowreis and his spous of the kirkis of Strachardill and Muling, and the tak sett be the said yconomus and convent to Petir Dury of the teind of Inueresk; quhilk his Hienes willis to stand in full force, becaus thai ar maid to the native and kyndlie possessouris."

Fol. 127, b. Caution by Williame Foullartoun of Ardo in 1000 merks for James Twedy of Drummelzear, and in 300 merks for Andro, *alias* David (? Dand) Haswell in the Kirkland of Drummelzear, that they shall keep the peace to James Twedy of Frude, and his tenants of Mosfennane, and other tenants and

Caution for James Tweedie and David Haswell.

servants: David, Earl of Crawfurde, becoming bound (23rd March) to relieve the surety. Acta 158

Caution for David Home of Coldinghamlaw.

Caution in 3000 merks by Alexander Home of Northberwikmanis and Andro Wode of Largo for the appearance of David Home of Coldinghame-law before the Council when required on fifteen days' warning, the said David, and George Home, portioner of Gulane, becoming bound to relieve the sureties.

Edinburgh, 23rd March.

Thomas Hepburn denounced.

Thomas Hepburne of Innerlochtie to be denounced rebel for not appearing before the Council as charged.

Holyrood-house, 29th March, 1585.

Caution for Thomas Dempster of Cushny.

Registration by Mr Johnne Dampstar, as procurator for the parties, of a band of caution in £100 by Gilbert Menzeis of Petfoddellis for Thomas Dempstare of Cushnie, that he shall answer before the Council upon 10th April next, touching "the pointis of ane summondis impetrat befoir the saidis Lordis aganis the said Thomas be Archibald Geddes, burgess of Edinburgh" The band is subscribed at Edinburgh, March 27, 1585, before these witnesses: James Stewart, son of the late Johnne, Earl of Buchane, Mr Johnne Dempstar, advocate, Williame Leslie, apparent of Aiknway, Andro Stewart: the last being designated "myne, the said Thomas, servitour." Fol. 128

Caution for Anthony Bruce of Stirling and others.

Caution in 2000 merks by Richard Abircrumby of Poltoun and James Alexander of Meistrie for Anthone Bruce and Duncane Leisman, burgesses of Striviling, Williame and James Thomson, and Johnne Robertsoun, that the said Anthone and Duncane shall desist from poinding the tenants of Haltoun and Myddle Thrid, with the mill of the same, for the maills thereof in time coming, and that the said Williame and James Thomson and Johnne Robertsoun, tenants of the said lands, shall pay the maills of the same to George Bruce, sheriff-clerk of Striviling, in the event of their being found liable to do so: David Moysie, notary, subscribing for Anthone Bruce, "becaus I can nocht write."

Edinburgh, 31st March.

Caution for Kennedy and McKnedar.

Caution by Thomas Kennedy of Bargany and Johnne Chalmer of Troquhane, for Andro Kennedy, burgess of Air, and Oswald M^{c}Knedar, in £200 each, that Margaret Hammiltoun, relict of Gilbert Kennedy of Dunmone, her tenants and servants, shall be harmless of them.

Caution for Lady Ross.

Caution in 3000 merks by Hary Stewart, apparent of Cragyhall, tutor of Cader, and Alexander Cunynghame of Aickett, for Dame Jehane Sempill, lady Ros, that neither she nor her friends shall intromit with the teinds of the lands of Melvile, "nor mak convocatioun of the Kingis liegis to that effect," but leave the same where they are till it be decided to whom the said teinds belong; also that she or her men will not molest her son Robert, Lord Ros, his tenants or servants. Fol. 128

a 1581–85. Caution in £500 by Thomas Reidpeth, fiar of that Ilk, for Patrik Cokburne, brother of Williame Cokburne of Langtoun, that he shall not trouble Arthour Montgomerie, Williame Carfra, and Thomas Thomesoun, sometime tenants of the lands of Eist Borthwik. Edinburgh 1st April. Caution for Patrick Cockburn.

Caution in £100 by the same Thomas Reidpeth for Patrik Duns in Eist Borthuik, that he shall answer before the Council on the 20th of April next to a complaint by the said tenants of the lands of Eist Borthuik, and Archibald Auchinlek of Cumlege, their master, "twicheing certane oppressionis:" Patrik Cokburne of Eist Borthuik becoming bound to relieve the surety. Caution for Patrick Duns.

Order by his Majesty, with advice of his Council, to Claude Hammiltoun, sometime Commendator of Paislay, Robert Hammiltoun of Dalserf, David Hammiltoun of Monktounmanis, James Mureheid of Lauchop, Robert Hammiltoun of Lethame, Johnne Hammiltoun, sometime of Schawtoun, Andro Hammiltoun in Heleis, "and all utheris the said Claudis domesticque servandis or dependaris quhilkis returnit within this realme with him or eftir, and standis undir the sentence of foirfalture," to retire with all diligence to Abirdene, "and thair to tak schip and depart furth of this realme to the partis of France and utheris beyond sey, England and Irland exceptit, betuix this and the first day of Maii nixt to cum, wind and wedder serving:" with certification that, if they return to Scotland, England, or Irland, the doom of forfeiture under which they lie shall be rigorously executed upon them.[1] Holyroodhouse, 6th April. Claud Hamilton ordered to go abroad.

Sederunt—REGE PRESENTE—Georgius, Comes de Huntley; Willelmus, Dominus Hereis; Patricius, Magister de Gray; Jacobus, Dominus Doun; Willelmus, Commendatarius de Pettinweyme; Willelmus, Commendatarius de Dryburgh; Computorum Rotulator; Thirlstane; Murdocarny; Clericus Registri. Holyroodhouse, 9th April.

Fol. 129, a. Johnne, Earl of Mortoun, who was denounced rebel on 26th February last [*ante*, p. 725], not only continues at the horn, but has since then, in farther contempt of his Majesty's authority, "causit be sett at libertie sum plegeis and malefactouris quhilkis wer in the plege chalmer; quhome, with certane uthiris brokin men of baith the realmes, he hes perswadit and Proclamation against intercommuning with the rebel Earl of Morton.

[1] Claud Hamilton, one of the chiefs of the Banished Lords, had returned to Scotland from England on the 4th of the preceding November, "upon the King's simple promise, without the knowledge of the Queen and Counsell of England, or his owne brother, the Commendatar of Arbrothe." The solicitors of the King to that effect had been Hamilton's father-in-law, Lord Seton, then ambassador to France, the Earl of Huntly, and Maitland of Thirlstane; and their design seems to have been to detach Hamilton from the party of the Banished Lords and use him and his name in Scotland for some opposition to Arran's ascendancy. But Arran had outmatched them; and now, after having been in Scotland five months, chiefly in the north with the Earl of Huntly, Claud Hamilton was again sent into exile (Calderwood iv. 208, 209).

houndit out to tak armes." With these, "accumpanyit with sum of his awne principall freindis, and utheris his Hienes declairit tratouris and fugitives," he has perpetrated various outrages; "lyke as of lait thay have tressonablie rasit fyre and brunt the hous and fortalice of Lochwod, eftir thai had spuilyeit the same and certane utheris rowmes pertening to Sir Johnne Johnnstoun of that Ilk, knycht, wardane and justice of the West Merche of this realme," slaying some and transporting others as prisoners into England, and still continuing "in doing all that thai may to steir up rebellioun." His Majesty, therefore, with advice of his Council and of some of the principal barons of the West March, having resolved to take order with the said Earl and his adherents, proclamation is now ordered at the market crosses of Drumfreis, Kirkcudbrycht, Wigtoun, Peblis, Lanerk, Selkirk, Hawik, and Jedburgh, charging the provosts and bailies of these burghs and all other lieges not to assist or intercommune with the said Earl, with Robert Maxwell, his brother natural, or with others, their partakers, nor to supply them or their wives, bairns or servants, with "meit, drink, hous, nor harbery," the said provosts and bailies also taking care that no victuals or furnishings be sent to them from their burghs,—all under penalty of being held as art and part. Acta 15

Revocation of the Earldom of Morton and all its adjuncts granted to Lord Maxwell.

The King, "for divers ressonable caussis and considerationes," with advice of his Council, revokes and annuls the gift and infeftment granted by him to Johnne, Lord Maxwell, his heirs male, and assignees whomsoever; [1] of all and whole the lands, earldom, barony and regality of Mortoun, with all the pertinents, lying within the sheriffdom of Drumfreis; [2] of the lands and barony of Prestoun, and the lands of Brog, with all their pertinents, lying within the stewartry of Kirkcudbrycht; [3] of the lands and barony of Hutoun under the Mure, the lands of Moffetdaill, with all their pertinents, lying within the stewartry of Annanderdaill and sheriffdom of Drumfreis; [4] of the lands and baronies of Newlandis, Lyntoun, and Kilbocho, with advocation and donation of the kirks of Newlandis and Kilbocho, and all other kirks and chaplainries of the said lands and baronies, and their pertinents, lying within the sheriffdom of Peblis; [5] of part of the landis of Kirkwod and Lochwod, with their pertinents; [6] of the lands of Escheill, Quilt, and Sethane, with all their pertinents; [7] of £6, 13s. 4d, sterling money of annualrent, to be yearly uplifted of the lands of Horsburgh, with the pertinents; [8] of £6, 13s. 4d, sterling money Fol. 129 of annualrent to be yearly taken furth of the lands of Hoptalzie, with the pertinents; [9] of £4 sterling of annualrent yearly furth of the lands of Newbie, with the pertinents, lying within the said sheriffdom of Peblis; [10] of the lands and barony of Robertoun, with all their pertinents, lying within the sheriffdom of Lanerk; [11] of the lands of Edmestoun, with their pertinents, lying within the barony of Beggar and sheriffdom of Lanerk. The said gift and infeftment is decerned to have been null from the beginning; and this present Revocation is ordered to be registered in the books of Secret Council and Session.

ta 1581–85. Caution by James Adamsoun, burgess of Edinburgh, for Sir Johnne Seytoun, that, in addition to the sum of £20 already consigned by him, he shall pay to Williame, Commendator of Melrose, or to Sir Williame Douglas of Lochlevin, his administrator, such sums as he shall be decerned to pay to the said Commendator for his relief of his part of the tax of £40,000: Mr Thomas Ogilvy, Ennerrechtny, becoming bound to relieve the cautioner. Edinburgh, 10th April. Caution for Sir John Seton.

Sederunt—REGE PRESENTE—Jacobus, Comes de Arrane; Georgius, Comes de Huntley; Willelmus, Dominus Hereis; Patricius Magister de Gray; Jacobus, Dominus Doun; Thirlstane; Computorum Rotulator; Clericus Registri; Murdocarny. Holyrood-house, 13th April.

Charge having been given to the following persons to appear before the King and Council on a certain day bypast, under pain of rebellion, "to have underlyne sik ordour and directioun as suld have bene gevin to thame for the weill and quietnes of the cuntrey,"—viz., Stewart of Garleis; Thomas M^cClellane of Bomby; Sir Johnne Gordoun of Lochinvar, knight; Williame, Lord Hereis; Roger Greirsoun of Lag; Thomas Kirkpatrik of Closburne; Maitland of Auchingassill; Murray of Cokpule; Carthureris of Holmendis, elder; Alexander Jardane of Apilgirth; Johnne Charteris of Amisfeild; Patrik Agnew, sheriff of Galloway; Alexander Kilpatrik of Kirkmichaell; Williame Creichtoun of Libere; James Creichtoun of Carco; Fergussone of Craigdarroch; Johnnstoun of Newbie; Hereis of Mabie; Maxwell of Kirkconnell; Maxwell of Conhauch; Maxwell of Carnsalloch; Eduard Maxwell of the Hillis; Eduard Maxwell of the Yle; Herbert Maxwell of the Cavanis; Johnne Maxwell of Balgraden; Robert Maxwell of Keltoun; Eduard Maxwall of Lamyngtoun; Johnne Maxwall, his brother; and Eduard Maxwall of Drumcoltrane,—the order now is to denounce and put to the horn "the saidis George Carrutheris, eldar, of Holmendis, and Edward Maxwell of the Yle," for not appearing. Order to denounce George Carruthers and Edward Maxwell.

The King and Council, considering "the oppin and manifest reiffis, stouthis, heirschippis, slauchtris, fyrerasing," etc., committed on the Borders, but chiefly by the Earl of Mortoun, his brother, and their adherents, inhabitants
Fol. 130, a. of the West March, whose continued outrages threaten to break "the gude peax and happy amytie quhilk sa lang hes continewit betuix the tua realmes," order the fencibles within the bounds of the shires of Edinburgh principal, and constabulary of Haddingtoun, Beruick, Roxburgh, Selkirk, Peblis, Lanerk, Drumfreis, Wigtoun, Air, Renfrew, Dunbartane, Striviling, Lynlythgow, stewartries of Kirkcudbrycht and Annanderdaill, bailiaries of Kyle, Carrik, and Cunynghame, to be charged, by open proclamation at the market crosses of the head burghs of the same, to be in readiness to meet the King or his Lieutenant, with twenty days' provision, at such place as they shall be advertised of by new proclamation, upon six days' warning, for service against the said thieves and rebels. Proclamation for the fencibles of the southern shires to be in readiness for service against the rebel Earl of Morton.

Caution for Maxwell of Kirkconnell and Crichton of Carco.

Caution in 3000 merks, by Johnne Maxwell of Kirkconnell, as principal, and Williame, Lord Hereis, and Charlis Murray of Cokpuill, as sureties for him, and in the same sum by James Creichtoun of Carco, as principal, and Thomas Kirkpatrik of Closburne and Thomas Maxwall of Kirkconnell, as sureties, that the said principals, and others for whom they are answerable "be the generall band," shall truly serve the King, his Lieutenant and Warden, in pursuit of Lord Maxwall and his rebellious adherents, and also for the entry of the said principals, on fifteen days' warning, "befoir his Majestie and his Counsale, or befoir his justice and his deputis, quhen thay salbe requirit to that effect, according to the suretie maid in the days of King James the Fyft." [This note is written on the margin—"Deleit be a warrand and command subscrivit be his Majestie and his Hienes secretaire, daitat Linlythgow," 10th Dec. 1585: John Andro; and it is followed by a short blank in the Register.] Acta 158

Certain persons to find caution for service against Lord Maxwell.

The following persons are ordered, within fifteen days, under pain of rebellion, to find caution that they, and all for whom they are liable by the general band, shall obey the King, his Lieutenant and Warden, in the pursuit of Lord Maxwell and his rebellious adherents, and for their entry before the Privy Council or the justice when required upon fifteen days' warning:—Roger Greirsoun of Lag, Johnne Maitland of Auchingassill, and Johnne Charteris of Amysfeild, each in 5000 merks; Alexander Kilpatrik of Kirkmichaell, Johnne Maxwall of Balgradane, Robert Maxwall of Keltoun, Harbert Maxwall of Cavennis, and Fergussoun, elder, of Craigdarnoch, each in 3000 merks; Stewart of Garleis, M°Clellane of Bombee, Johnne Gordoun of Lochinvar, and Douglas of Drumlangrig, each in £10,000; Williame Creichtoun of Libere, and Johnnstoun of Newby, each in 2000 merks. Fol. 130,

Edinburgh, 14th April.

Caution for James Mortimer and others.

Caution in £100 by James Gordoun of Auchinhuffis for JamesMortim er, son of Johnne Mortimer of Cragyvar, Johnne Mortimer in Scheilfeild, Johnne Irwing in Nether Bigging, Robert Smyth in Blairdaff, Johnne Mortimer, son of George Mortimer, and Mr Robert Paip, "advocat in Abirdene," that they shall render the fortalice, houses, lands, bigging, yards, and tofts of the "sone half" of the lands of Auquhorteis to Johnne Leslie in Auquhorteis, if it be found that they should do the same.

Holyrood-house, 16th April.

Band for William Maxwell of Carnsalloch.

Registration by Johnne Haliday, as procurator for the parties, of a band of caution in 3000 merks by Williame Maxwell of Carnsalloch, as principal, and Williame Levingstoun of Jereswode, as surety for him, that he and his men shall obey the King, his Lieutenant and Warden, in the pursuit of Lord Maxwall and his adherents. Subscribed at Carstaris, 15th April 1585, before these witnesses: Robert Hereis of Mebie, Alexander Glendoning of Partoun, James Creichtoun of Carco, and David Fergussone. [This marginal note occurs—"Deleit be warrand and command in writt subscrivit be his Majestie at Lynlythgow," 10th December 1585: John Andro.]

Acta 1581–85. fol. 131, a. Farther prorogation to the 10th of June next, on account of continuance of the plague in Fife and at Perth, of all actions affecting persons dwelling north of the Forth. No public resort or market to be held in Perth or Dysart till that day, and the regulations for the ferries to continue in force [see *ante*, p. 714 and p. 727]. Holyrood-house, 17th April. Farther prorogation of actions.

Registration by Mr Richart Spens, advocate, as procurator for the parties, of the following obligation :—The Lords of Secret Council having suspended letters of horning obtained by Petir Danielstoun against George Home of Weddirburne, and Williame Ker, apparent of Ancrum, "for answering to the said Petir of the parsonage and vicarage of Duns" [*cf. ante*, pp. 710, 723], Williame Cokburne of Langtoun becomes surety that the said George and Williame "sall obtemper the saidis letters according to the deliverance of thair suspensioun," paying to the said Petir, for the vicarage and parsonage of Duns, whatever he shall be found to have right to crave at their hands. The obligation is subscribed at Langtoun, April 15, 1585, before these witnesses : David Alime (Ellem), James Pringle, servant to the Laird of Weddirburne, George Cokburne, servant to the Laird of Langtoun. Caution for George Home of Wedderburne and William Ker of Ancrum.

Sederunt—Joannes, Comes de Montrois ; Willelmus, Dominus Hereis; Jacobus, Dominus Doun ; Patricius, Magister de Gray ; Alexander, Commendatarius de Culrois ; Thirlstane ; Computorum Rotulator ; Clericus Registri ; Murdocairny. Holyrood-house, 20th April.

Fol. 131, b. According to order of the 13th instant [*ante*, p. 735], charge is now given to the fencibles of the shires of Edinburgh, Hadingtoun, Beruik, Roxburgh, Selkirk, Peblis, Lanark, Drumfreis, Wigtoun, Air, Renfrew, Dumbartane, Striveling, Linlythgow, stewartries of Kirkcudbrycht and Annanderdaill, and bailiaries of Kyle, Carrik and Cunynghame, to meet the King or his Lieutenant at Peblis on the 3rd of May next, "weill bodin in feir of weir, with xx dayis victuallis and provisioun, and with palyeonis and careage to ly on the feildis," for service against Lord Maxwall and his rebellious adherents, under pain of "tinsale of lyfe, landis, and guidis." Muster at Peebles for service against the Maxwell rebels.

Complaint of Michaell Law, burgess of Dundee, that, having been charged to pay to George Balfour, prior of the Charterhous, the sum of £14, being his share of the last taxation of £20,000, for his yearly pension of £40 furth of the said priory, he has, "for his allegeit dissobedience," been put to the horn, although "it is of veritie that he hes maid payment of the said soume of fourtene pundis money to the said Priouris wyffe," and although "the same be ouer mekle to be gevin or cravit for sik ane small pensioun." He has, however, consigned another sum of £14 in the hands of the Clerk of the Council, awaiting the decision of the Lords.—Parties having been called, and Law appearing personally, but the Prior failing to appear, the Lords suspend the said letters till the same be produced, and Michael Law, burgess of Dundee, against the Prior of Charterhouse.

meanwhile ordain the said sum of £14 consigned in the Clerk of Council's hands to be delivered again to the complainer. Acta 1581-

Holyrood-house, 22nd April.
The Lords of Session ordained to proceed in all causes besouth the Forth.

A notion having got abroad that suits before the Lords of Session are stayed by the proclamation appointing a muster of the fencibles of the southern shires at Peblis on 3rd May next [*ante*, p. 737]—"quhilk wer a grite hinder and delay to justice and aganis his Majesteis meaning, considering that the Lordis of Counsall and utheris memberis of the College ar nocht subject to pas to the said raid, and that all parteis may persew and defend thair caussis be informatioun to be send to thair advocattis,"—his Majesty, with advice of his Council, hereby ordains the Lords of Council and Session "to proceid and do justice in all caussis depending befoir thame betuix quhatsumevir partiis duelland upoun the south syde of the Watter of Forth, notwithstanding the said proclamatioun," and directs publication hereof to be made at the market cross of Edinburgh, that none may pretend ignorance. Fol. 132, a

Caution for Allan and Patrick Macaulay.

Caution in £200, by Archibald Buntene, younger, of Ardoch, for Allane M^{c}Cawlaw of Ardincaple, and Patrik M^{c}Caula, Allastar Oweris son, that Petir Burnesyde in Gawineburne, his wife, bairns, and servants, shall be harmless of them, and specially shall not be troubled by them in the possession of the acre and a half of land in the crofts of Gawinburne and the houses thereof.

Caution for Robert, Lord Ross.

Caution in 3000 merks by Johnne Blair of that Ilk and Robert Hammiltoun of Inchemachane for Robert, Lord Ros, that he shall not intromit with the teinds of the lands of Melvile of the year 1584 or make convocation of the lieges to that effect, till it be decided to whom the same belong; also, that he shall not trouble Dame Jeane Semple, Lady Ros, his mother, her friends or tenants, in time coming [*ante*, p. 732]: the said Lord Ros, with consent of his curators, Johnne Ros of Tartravane and James Ros of Wardlaw, becoming bound to relieve his sureties of the premisses. Johnne Andro subscribes the obligation for Johnne Ros of Tartravane, who cannot write.

Holyrood-house, 23rd April.
Order to denounce William Leirmonth and others.

Johnne Aird, burgess of the Cannogait, having obtained a decree for removing Williame Leirmonth, Robert Leirmonth, his son, and Alexander Peirsoun, indwellars in Kelso, from his "kindlie rowme and steding in Kelso," and having, in execution of the same, "causit eject thame furth of the said steding," complains that "the saidis persones daylie invaidis, bostis and minassis the said complenar for his bodelie harme and slauchter, avowand planelie that, gif he sal happin to resorte to Kelso or ony part adjacent to the same quhair thay may onywyise apprehend him, thay sall cutt his hochis."—Parties having been called, and Aird appearing personally, but the defenders having neglected the charge to appear, the order is to denounce them rebels. Fol. 132,

Acta 1581–85. Obligation by Hucheoun Frasar of Gussochane, as cautioner and surety for Williame Frasar of Foyer, Andro M°Finlay V°Euir, Ago M°Andoy, and all others that he may stop or let, and also by the said Williame Frasar for the said Hucheoun Frasar, Williame, Allaster, and Hucheoun Frasars, his three sons, Andro Keloch, and all others that he may stop or let, as follows:—The foresaid persons and all others they may stop or let "sall desist and ceis fra the few landis and leving pertening to Symon, Lord Frasar of Lovatt, wodis, fischingis and deir, and fra cutting of the woddis of Straglashe, molesting or troubling of the Watteris of Forne, Kilterlatie and Kilmarak, and fra slaying of ony reid and blak fische, with speiris, nettis, or ony uther instrument, or raving or taking thame fra the caynais be ony maner of way; for [fra?] hunting or slaying of the deir of Straglashe: and, last, thay sall assist the said Lord, his chalmerlanis, factouris and servandis in his name, in brouking and uptaking of the dewiteis of the few and blanche landis and leving, using of the fischeingis, wod and deir, to his awin use and commoditie in tyme cuming." The penalties for Williame and Hucheoun Fraser are to be £1000 each, "*toties quoties*, as the premissis sal happin to be contravenit; and ather of thame oblissis thame and thair airis to warrand and releif uthiris of the premissis and of all pane and danger that thay sal happin to sustene thairthrow." The entry ends "Sic subscribitur: Hucheoun Frasar of Gussequhen; Williame Frasar of Foyer, with my hand at the pen led by Johnne Andro, notar, at my command, becaus I can nocht write." Caution for Hugh Fraser of Foyers and others.

His Majesty, "considering the difficultie of seasoun and scarsitie of hors meit," prorogues the muster of the forces of the southern shires at Peblis [*ante*, p. 735 and p. 737] ordered for the 3rd of May to the 15th, and directs publication to that effect at the market crosses of the head burghs of the southern sheriffdoms. Holyrood-house, 25th April. Prorogation of armed muster at Peebles.

Angus M°Conill of Dunnyveg and Glennis having declared himself an obedient subject, and being much menaced and harassed on that account, and for "utheris pretendit quarrellis movid aganis him be his nychbouris, the principallis of the clannis in the Ilis and Hielandis," proclamation is ordered at the market crosses of Dunbartane, Inuernes, Inueraray, and other places needful, charging the lieges "to ryis, concur, and assist the said Angus M°Coneill, in defence of him, his landis and cuntreyis, fra the violent persute and invasioun of quhatsumevir persones," under pain of "tinsale of lyfe, landis, and guidis." Fol. 133, a. Proclamation for assistance to Angus M°Donald, menaced by the Highland clans.

Order to charge Lauchlane M°Clayne of Dowart, Donald Gormsoun of Slait, Rory M°Cloyd of the Lewis, and Tormet M°Cloyd of Harrych, "personalie gif thai can be apprehendit," or otherwise by open proclamation at the market crosses of Inuernes, Dunbartane, Inveraray, and other places, to appear before the Council upon the fifteenth day after the charge, to answer "tuicheing the gude reull and quieting of the Ilis and Hielandis," under the pain of rebellion. Charge to Lauchlane M°Clean of Dowart, and other Highland chiefs.

Edinburgh, 26th April.
Caution for Provost of Lincluden.

Caution in £10,000 by James Douglas of Drumlangrig and Johnne Crichtoun of Bruntsoun for Mr Robert Douglas, provost of Lyntclouden, that, on being released from the Castle of Edinburgh, he shall enter again therein when required on six days' warning. Acta 1581-

Holyrood-house, 27th April.
To denounce Jasper Home, Harry Home, and Richard Cass.

Jaspar Home in Lawfeild to be denounced rebel for not appearing before the Council as charged.

Harie Home in Hutoun, and Richard Cas, servitor to Alexander, Commendator of Coldinghame, to be denounced rebels for the same reason.

Protest of James Cunningham in the matter of a charge against him by Lady Duchal.

James Cunynghame, pensioner of Lesmahago, who had been summoned, by letters raised at the instance of Jeane Knox, Lady Duchall, to appear before the King and Council on the 18th of April last, "to have answerit to ane complaint maid be hir, tuicheing the allegeit convocatioun maid be the said James of his Hienes liegis in feir of weir, and cuming to the mylne of Douchall, breking and dimolissing of the same, minassing of hir tennentis, and allegeit committing of sindrie uthiris innormiteis," protests that, as the said Jeane Knox has failed to appear to prosecute, there shall be no farther proceedings against him in virtue of the said letters, till he is again cited and his expenses paid: "quhilk protestatioun the saidis Lordis admittit."

George Young to be tried on a charge of having brought letters from the rebels in England.

Robert Symmer having presented before the Council, as charged, George Young, servant of Henry Ogilvy, son of Johnne Ogilvy, sometime in Ballinscho, to answer "tuicheing the ressett of the said George Young be the said Robert Symmer, eftir that he come furth of the realme of England with letters and messageis fra his Hienes declairit tratouris remaning thair to sindrie of thair freindis and favouraris within this realme," the Lords commit Young to the tolbooth of Edinburgh till the 20th of May next, to be tried by an assize on that day, the King's advocate to be then present to prosecute, and proclamation to be meanwhile made at the market cross of Edinburgh and elsewhere charging all having interest to appear in Court on that day to aid in the prosecution, with certification that, if they fail, the accused will be set at liberty. Fol. 133,

Holyrood-house, 28th April.

Sederunt—Jacobus, Dominus Down; Joannes Maitland de Thirlstane; Willelmus, Commendatarius de Pittinweyme; Marcus, Commendatarius de Neubottle; Computorum Rotulator; Culrois; Blantyre; Clericus Registri.

Caution for William Fraser of Strowie and others.

Caution by Hucheoun Frasar of Gussochane, Johnne M^{c}Rannald in Caythnok, and Duncane M^{c}Culloch in Alter, conjunctly and severally, for "Williame Frasar of Strowie, Jonnne Wrycht, Johnne M^{c}Kantour, Thomas Donald M^{c}Williame Eir, and his twa brethir, callit Williame and Johnne Bane, Donald Maky, Johnne M^{c}Kfinlay Euer, Donald M^{c}Andro Doy, Finlay M^{c}Culeir, and all uthir the said Williame Frasar men, tennentis and

Acta 1581–85. servandis, and uthiris that he may lett," and caution also by the said Williame Frasar for "Williame M^cKhucheoun Roy, his houshald, and all uthiris that he may lett": all to the effect that the parties shall observe the injunctions of the former act of caution of 23rd April last concerning the feu lands, fishings, etc., of Symon, Lord Frasar of Lovett [*ante*, p. 739], the penalties being £1000 for the said Williame Frasar, *toties quoties*, and 500 merks for the said Williame M^cKucheoun Roy, *toties quoties*. The caution ends, "Sic subscribitur: Williame Frasar of Strowy; Hucheoun Frasar of Gussoquhan; Johnne M^cRanald in Claithnok; Duncane M^cCulloch, and William M^cHucheoun Roy, with our handis at the pen led be Johnne Andro at our command, becaus we can nocht write."

Reg. Sec. Conc. Acta 1585–87. fol. 1, a.

Sederunt—Jacobus, Dominus Down; Secretarius; Pittinweyme; Newbattle; Computorum Rotulator; Culrois; Blantyre; Clericus Registri. Holyrood-house, 28th April.

Fol. 1, b. Lord Maxwall, "unmyndfull of the grite benefeitis and honour quhairunto he wes advanceit," having "maist ingraitfullie and unnaturalie movit and steirit up Robert Maxwall, his brother naturall, and certane uthiris brokin men, commoun enemeyis to baith the realmes, to tak armis, and with fyre, sword, and all kynd of hostilitie, to burn, slay, herry, and oppres the Wardane of the West Merche of this realme, his freindis, tennentis, servandis, and uthiris," his Majesty had issued proclamation for a muster of the lieges at Peblis on the 15th of May next [*ante*, p. 739]. But, "becaus sik provisioun as wes necessar for hors and men culd nocht be had in this seasoun of the yeir," and the consequent delay has moved the offenders to be more insolent, "his Majestie thairfore convenit a nowmer of his Hienes esteatis." By this convention there has been granted a taxation of £20,000 "for leveing and intertenying of certane wageit men on horse and fute for the avancement of his Hienes service and quieting of the troublit estate of the said West Marche." The tax is to be paid as follows:— [1] "Ten thousand pundis be the Spirituall Estate, providing that the thrid thairof be tane of the thridis of beneficeis, sa as sik as payis thair thridis sall onlie be astrictit in payment of the twa pairt of the saidis ten thousand pundis, and the ministeree to be free for sa mekle of the saidis thridis as is assignit to thame in thair [stipends?], and sa mekle as happynint to be defalkit throw that occasioun to be eikit *pro rata* to the parteis respective ordanit to be payit be the uthir Esteatis;" [2] "Sax thousand sax hundreth thre scoir sex pundis xiii ß. iiii ₰. be the barronis and frehaldaris, togidder with the Kingis propirtie;" [3] "Three thousand three hundreth threttie three pundis vi ß. viii ₰., in compleit payment of the said taxatioun of twenty thousand pundis be the burrowis." The term for payment is to be the 30th of June next; Alexander Clerk of Balbirny is appointed collector-general; the barons, freeholders, and the King's property are

Tax of £20,000 imposed for suppressing movements on the West March.

taxed at 6s. 8d. for every pound land of old extent; and the measures for enforcing payment, etc., are as in former acts of taxation [see Reg. Priv. Coun., vol. ii. pp. 468, 469]. The Act concludes with a promise by the King that he will grant no discharge to any person subject to any part of the tax. Acta 1585- Fol. 2, a

Holyrood-house, 30th April.

Sederunt—Georgius, Comes de Huntley; David, Comes de Craufurd; Joannes, Comes de Montrois; Willelmus, Dominus Hereis; Robertus, Dominus Seytoun; Jacobus, Dominus Doun; Thirlstane, Secretarius; Blantyre, Custos Secreti Sigilli; Pittinweyme; Clericus Registri; Computorum Rotulator; Murdocarny. Fol. 1, a.

Lord Herries and his friends not to suffer for the disobedience of Lord Maxwell.

Inasmuch as Williame, Lord Herries, on his first knowledge of the disobedience of Johnne, Lord Maxwall, "addrest him to his Majestie, with sindrie gentilmen of the name of Maxwall, offerring thair service in all thingis tending to his Majesteis obedience and quietnes of the cuntrey, and still remanis in the burgh of Edinburgh, according to his Hienes commandiment, abyding his Majesteis gude will and plesure," the King "can nocht nor will nocht imputt ony parte of the undeutifull doingis of the said Lord Maxwall to his said traist cousing, Williame, Lord Hereis, nor to the honnest and trew freindis of that name." By this Act, accordingly, he takes them under his special protection, insuring them against all trouble or pursuit, by his lieutenants or others, on account of anything done by Lord Maxwall or his followers. Proclamation is ordered with charge to that effect to officers and all the lieges under highest pain.

Forfeiture of caution for Patrick M°Kie.

The caution in £1000 by Archibald M°Kie of Myretoun and Gilbert Kennedy of Girvanemanis, as principals, and Thomas M°Culloch, fiar of Ardwell, as surety, for the entry of Patrik M°Kie, brother-german of Alexander M°Kie in Quhytehillis, before the King upon 1st January last [*ante*, p. 574], having been contravened by the non-entry of the said Patrik, the said Archibald and Thomas are, on the suit of the Earl of Montrois, as Treasurer, adjudged liable for the penalty, payment to be enforced by poinding and horning. Fol. 2, b.

To denounce John Lauder and others for an attack on Livingston of Belstane.

Complaint of Johnne Levingstoun of Belstane, as follows:—On the 3rd of February last, "he chanceit to pas furth at his awne yett of the Belstane befoir the sone rysing in the morning, in quiet and peceable maner, luiking for harme, trouble or injurie of na man, bot to have levit undir Godis peax and ouris. Nevirtheless, Williame, Master of Yester, being denunceit our rebell and at our horne for the slauchter of the Laird of Westrawis servand, accumpanyit with Alexander Jardane, youngar of Apilgirth, Stevin Jardane and Mathew Moffatt in Wode-end, his servandis, James Borthuik of Colila, Johnne Lauder of Hairtpuill, and Michaell Huntar of Pounde, Johnne Hoppringle in Peblis, James Hoppringle thair, Williame Birnarde of the Barnis, Coline Langtoun of Erlishauch, Thomas Kyde, Dandie Ker, Williame Jamesoun, Robert Quhippo, Hew Sommeruile, Mr Alexander

Acta 1585-87. Vaiche of Hamptoun, Williame Vaiche, his sone, Johnne Cokburne of Glen, Johnne Patersoun of Eidstoun, Robert Broun thair, and Johnne English of Manerheid, with divers uthiris thair compliceis, with convocatioun of our liegis to the nowmer of fourtie personis or thairby, bodin in feir of weir, with jakkis, steilbonnettis, speiris, lance-staffis, bowis, hacquebuitis, and pistollettis, prohibite to be borne or worne be our actis of Parliament and Secrete Counsale, and uthiris vaponis invasive, come to the said complenaris place of Belstane the said day, befoir the sone rysing, as said is, and thair be way of hamesuckin persewit the said complenare of his lyffe, and in the meantyme dischargeit and schoitt divers schoittis of hacquebuitis and pistollettis at him; quhilk he having narroulie eschaipit with the grite perrell of his lyffe, he at last wan to his said hous: quhilk the saidis personis circuit and invironit round aboute in all quarteris with men, and schott continualie with hacquebuitis and pistollettis at the windois and oppin pairtis thairof; like as with ane of the same schoittis thay schott ane bullon throw his hatt and putt him thairthrow in dangear of his lyffe; and lay continualie aboute the said place, assageing him within the same the space of three houris or thairby." Farther, "in thair depairting fra the said place, meting his wyffe and dochtir," the same persons "maist schamefullie and unmercifullie struik, hurte, and woundit thame, to the effusioun of thair blude in perrell of thair lyveis."—Parties having been summoned to answer, and the complainer appearing personally, but
Fol. 3, a. the said Johnne Lauder, Michaell Huntar, Coline Langtoun, David Ker, Williame Jamesoun, Robert Quhippo and Hew Sommervile failing to appear, the order is to denounce them rebels.

Ratification of the former revocations of grants made out of the King's property.

For remedying the abuses in his Majesty's house and stable and preventing the "grite diminutioun of his Hienes rentis," his debts "alwayes increscing," the King, with advice of his Council, ratifies all his former revocations, and of new revokes and annuls all grants hitherto made out of the property of the crown, or out of the treasury or collectory, ordaining the rents of the same to be brought in for his own use, and promising to abstain in future from all dispositions of any of the said rents, and also to allow "of that gude forme in his hous quhilk the saidis Lordis of Secrete Counsale and officiaris of Estate sall appoint, to begin the first day of Maii nixt to cum." [Ratified in Parliament, 1585, c. 20, iii. p. 382.]

Revocation of gifts of portions of deceased monks, &c.

Although, by Act of Parliament [1584, c. 13, iii. pp. 298, 299], provision had been made for a guard for the King and for the sure payment of their wages, "be appointing of the portiones of the deid personis of the conventis of the abbayis, prioreis, and nunreis, deceissit sen the yeir of God $j^{m}v^{c}lx$ yeiris, to be craved, intromettit with and uptakin
Fol. 3, b. be his Hienes thesaurare in his name quhill the beneficeis sal happin to vaik, be deceis, foirfaltour or lauchfull deprivatioun of the present possessouris thairof, and thaireftir the first fructis and fyft penny of the same

beneficeis to be uptakin principally for payment of the wageis of the said gaird," yet "his Majestie, be the inoportune aud unressonable suitis of sindrie personis, hes bene movid to mak dispositionis of sindrie of the saidis monkis portionis, alsweill quhair the beneficeis hes vaikit sen the said Act of Parliament as utherwise, aganis the meaning of his Hienes and his Esteatis the tyme of the making of the said Act." The King and Council now, therefore, revoke and annul the said gifts of the monks' portions so disposed of since the said Act: reserving, however, from the revocation so many of the said portions as the King shall specify in writing, subscribed by him and his Council, to the Clerk of Register before 23rd May next. Acta 1586.

Edinburgh, 1st May. Caution for Thomas Stewart of Grandtully.

Caution in £2000 by Andro Mersar of Mekilour and James Scrymgeour of the Myris for Thomas Stewart of Garntullie, that he and his whole forces shall assist in besieging the place and fortalice of Moynes held by the rebels, and in pursuing "troublaris of the commoun quietnes of the cuntrey," the said Thomas and Alexander Stewart of Kers becoming bound to relieve the sureties in the premisses.

Caution for the people of Pittenweem.

Caution in £2000 by Johnne Barclay, Martine Dischingtoun, Stevin Martine, and James Wode, bailies of Pittinweyme, as principals, and Robert Strang, portioner of Kilrynne, as surety for them and the remaning inhabitants of Pittinweyme, that the said bailies and inhabitants shall rebuild the house lately demolished by them "upoun the coilpott mure of Pittinweyme," for the use of the miners, in as good condition as it was before, within ten days of this date, and that they shall allow Dame Margaret, Lady Burly, and her servants, peaceably to occupy the said house thereafter, without prejudice to the rights of either party to the ground on which it is built.

Holyrood-house, 3rd May. Edmonston of Duntreath to depart the realm.

James Edmestoun ef Duntreth, having lately been pardoned, is to be released from the castle of Edinburgh, but with charge given him to go abroad, "England and Irland exceptit," within forty days afterwards, and not to return without the King's licence [see *ante*, p. 724].

Dirleton, 5th May.[1]

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Patricius, Magister de Gray; Joannes Maitland de Thirlstane, Secretarius; Willelmus, Commendatarius de Pettinweyme; Murdocarny; Caverstoun. Fol. 4, a.

[1] "The Pest brake up in Edinburgh the 1st of May, in the Flesh Mercat Closse, by the infectioun of a woman who had beene in Sanct Johnstoun, where the plague was. The King road the same day to Dirleton to a sumptuous banket prepared by the Erle of Arran. The King remained at Dirleton twelve dayes. There were in companie with him Arran, Sir Robert Melvill, Secretar Matlane, Phairnihirst, Colonell Stewart, and the Maister of Gray. They passed the time with the play of Robin Hood" (Calderwood iv. 366).

Acta 1585–87. Complaint by Hucheoun Frasar of Gussochane, as follows:—"Johnne Dow M^cAllane wes lauchfullie denunceit his Hienes rebell and putt to the horne, at the said Hucheonis instance, for not removing fra the half dawache of land of Kilboky pertening to him, conforme to ane decreit obtenit be the said Hucheoun aganis the said Johnne Dow M^cAllane." Upon this decree the complainer "rasit letters of captioun, be delyverance of the Lordis of Sessioun, to charge the shereff of Inuernes and uthiris jugeis in the cuntrey quhair the said Johnne resortis, to tak, apprehend him and keip him, conforme to the ordour observit in sik caissis." In all this process of obtaining the decree, with "letters in the foure formes executionis and denunciationis thairof," and then "rasing of the saidis letters of captioun thairupoun," the complainer "hes bene putt to grite travell and expenssis, having his habitatioun be the space of aucht scoir myllis or thairby distant fra the burgh of Edinburgh." Nevertheless, Coline McKenzie of [Kintail]," to quhom the said Johnne Dow M^cAlane is tennent, servand and speciall dependar," maintains and assists him in his violent occupation of the complainer's lands, "kepis him in his cumpany, ressavis him in his house, and uthirwayes debaittis him that he can nocht be apprehendit," so that all the pains of the complainer are frustrated. McKenzie of Kintail having been charged to present M^cAlane, under pain of rebellion, and the complainer appearing personally, but McKenzie neither appearing nor presenting his man, the order is to denounce McKenzie rebel. To denounce Mackenzie of Kintail.

Registration of band of caution in £10,000 by Alexander Stewart of Garleis, as principal, and Sir Patrik Vanse of Barnbarrauch, as surety, that the said Alexander, and those for whom he is obliged by the general band, shall faithfully serve the King, his lieutenant or warden, in the pursuit of Johnne, Lord Maxwall, Robert Maxwall, and their accomplices, and that the said principal shall enter before the Privy Council or the Fol. 4, b. Justice when required upon fifteen days' warning. The band is subscribed at Quhitherne and Edinburgh, 29th April and May 1585, before these witnesses: Johnne Gowne (M^cKgowne), provost of Quhithern, notary public; Williame Houston of Trottreoth (? Cottrouthe); Petir M^cKdouell, fiar of Machirmoir; and Mr James Adamsoun, minister at Quhitherne. Band for Stewart of Garlies.

Sederunt—Ut in die predicto.

Holyrood-house, 13th May.[1]

For the suppression of the "manifest rebellioun, oppin rubbereis, and tressonable attemptatis" of Lord Maxwall, his brother, and their accom- Commission to Sir John Johnstone to act against the Maxwell rebels: others to assist him.

[1] The following facts from Calderwood insert themselves between the last entry and this, and are important historically:—"The Justice-Clerk [Sir Lewis Bellenden] of Auchnowle taketh his journey from Londoun homeward the 10th of May. Sir Philip Sydney was sent upon the 12th of May from the Queen [Elizabeth] to the Banished Lords, to desire them to be of good comfort, and to assure them of her good affectioun. He willed them to advise upon their petitions which they would have presented to her

plices, his Majesty "hes gevin full pouer and commissioun to his trusty Acta 1585–
and weilbelovitt Sir Johnne Johnnstoun of Dunskellie, knycht, wardane of the West Marcheis of this realme, to convocat his Majesteis liegis within the boundis thairof, and to pas and persew the saidis dissobedient personis with fyre, swerd, and all kind of hostilitie."—As it is understood, however, that assistance from good subjects will be necessary "besydis the ordinarie force of the said West Marche," and moreover that "thair is grite nowmer that voluntarilie and of free will, as thay salbe requirit be the said Wardane, or uthirwayes as occasioun salbe offerrit, will at all tymes gif thair concurrence and assistance to him," the King, with advice of his Council, declares by these presents that "his rycht traist cousingis, Francis, Erll Bothuill, Alexander, Lord Home, Alexander Home of Huttounhall, wardane-depute, Walter Scott of Branxholm, Schir Thomas Ker of Fairnyhirst, kyncht, Sir James Hammiltoun of Craufurdejohnne, kyncht, James Hammiltoun of Libbertoun, his sone and apparand air," and all other persons that shall accompany and assist the said Sir Johnne Johnnstoun in pursuit of the said rebels by fire, sword, or any other extremity, "sall nawayes be callit nor accuseit thairfoir criminalie nor civilie be ony maner of way in tyme cuming, nor incur na skaith nor dangear thairthrow in thair personis, landis, guidis, nor geir, bot thair saidis assistance and persute in maner foirsaid salbe comptit, repute and estemit as gude, faithfull, and acceptable service."—Proclamation to this effect is to be made at the market crosses of "Drumfreis, Peblis, Hawik, Selkirk, and all uthiris placeis neidfull."

Holyrood-house, 18th May.

Sederunt—Ut in die predicto.

Orders concerning the Plague in Edinburgh.

"The Kingis Majestie understanding how, at the plesure of God, sum infectioun of the pestilence enterit of lait within the burgh of Edinburgh, neir the place of his Hienes present residence and quhair his College of Justice remanis; quhilk thing as it hes happinnit throw the repairing of a few foull personis furth of the placeis that hes bene l . . and Fol. 5, a.
mai increse the rather gif vagaboundis, strang and idill beggaris, and disorderit people salbe permittit to wander, hant, and repair commounlie ouer all partis of the cuntrey and townis; for quhais punishment and releiff of the pure and impotent albeit a gude ordour wes establishit be act of

Majestie, who was to be at Westminster the week following. One of their number is appointed to confer upon their petitions with Secretar Walsinghame. In the meane-time they keeped a fast in their loodging at Westminster. Mr Walter [Balcanquhal] exercised before noone upon the 58th of Isay; Mr Johnne Davidsone after noone upon Ezechiel xi. ver. 14, 15" (iv. 366.)—There is much interest in this glimpse of the heroic Sir Philip Sidney in momentary contact with Scottish affairs, as a messenger from Queen Elizabeth to the banished Scottish Lords in London to assure them of her desire to promote their return to their native country, and to see it rescued from the supremacy of Arran. It was on Wednesday the 12th of May 1585, it appears, that Sidney visited the Earls of Angus and Mar and the Master of Glammis, with the exiled Scottish preachers attending them, in their lodging in Westminster. Later in that year he went abroad as governor of Flushing; and on the 7th of October 1586 he died, of his wound received at Zutphen.

Acta 1585–87. Parliament maid in the moneth of October the yeir of God j^m v^c lxxix yeiris [Acts of Parl., 1579, c. 12, iii. 139], yit the same hes tane small effect and executioun sensyne, to the offence of God and defence of his Hienes and his realme, quhen strangearis sall see sik confluence of ydill beggaris and miserable personis frome all partis of the realme sa continewallie repairing in the presence of his Hienes, his nobilitie, courte and counsall, and in the cheif and maist populus toun of the realme, in sik a dangerous tyme subject to sik contagious seiknes; quhairof greitar inconvenientis may schortlie follow gif at Goddis plesure sum greitar cair and provident remeid be nocht providit: Thairfoir his Majestie, with avise of the Lordis of his Secrete Counsale, to quhome the interpretatioun, explanatioun, supplement and full execution of the said Act of Parliament is committit be the same Act, thinking it verry expedient, for eschewing of the forder spreding and incres of the said contagious infectioun and for the honnour and commounweill of the realme, that strait ordour be putt to the wandering people, maisterfull beggaris, and utheris cumand fra the placeis suspectit, or resorting in the burgh of Edinburgh, toun of Leith, or suburbis of the same, ordanis the said Act of Parliament to be put in executioun in all partis of this realme, within the space of ten dayis eftir the publicatioun heirof at the mercatt croceis of the heid burrowis, undir the panis contenit in the said Act, and, in cais of failyie, ordanis the same panes to be callit for, uptakin and intromettit with, with diligence, bot speciallie that all beggaris and vagaboundis repair to the parrochynnis quhair they wer borne or had thair cheiff residence during the space of sevin yeiris last bipast.—And, becaus gritest celeritie of the said executioun is maist requisite in the places quhair thair is maist apparent perrell, cheiflie in the said burgh of Edinburgh and boundis maist ewest the same, ordanis the executioun of the same Act to be sett fordwart within the space of sax dayis in the same burgh of Edinburgh, Leyth, the Cannogaitt, and all uthir pairtis within foure myllis to Edinburgh, and all filth and filthie beistis or carionis to be removed furth of the hie wayes, and the same to be clengeit and haldin clene; and,—in respect the ordour foirsaid can not be put to executioun within the portis of Edinburgh except the like be done togidder att anes in the saidis boundis ewest the same, nor yit is it able to the ordinar magistratis to tak the haill cair of the said ordour allane, haveand sa grite charge utherwayes, nor yit will ony personis of credite and authoritie in the parrochynnis to landwart accept on thame the charge of sik a panefull, althocht maist godlie, commissioun, nocht being speciallie requirit and pressit be his Hienes and his Counsale thairto,—thairfoir ordanis letters to be direct, chargeing the provest, baillies, and counsale of Edinburgh, Leyth, the Cannogait, Mussilburgh, Dalkeyth, Crawmond, and utheris populous townis, within foure myllis aboute the said burgh of Edinburgh, and als the president and senatouris of the College of Justice, three of the principall advocattis, als mony scribes, and certane of the maist honnest barronis or landit men in everie parrochin within the same boundis quhais names salbe gevin in bill, to compeir personalie befoir his Hienes or sic Lordis of his Hienes Prevey Counsall as

his Majestie sall direct to confer with thame, at the tolbuith of Edinburgh the xxi day of Maii instant, to gif thair trew advise, counsall and assistance toward the spedie and effectuall executioun of the said Act of Parliament, undir the pane of rebellioun and putting of thame to the horne; with certificatioun to thame, and thay failyie, letters salbe direct simpliciter to putt thame to the horne and to eschete and inbring all thair movable guidis to his Hienes use for thair contemptioun." Acta 1585–8

Holyrood-house, 25th May.

Orders in view of the King's absence from Edinburgh.

Ordered:—"That all suspensionis aganis letters rasit or to be rasit at the instance of his Hienes thesaurare, comptrollor, collectour-generall, salbe deliverit be his Hienes chancellar, thesaurare, and secretar, conjunctlie (except in materis aganis ony of thame selffis), and be na utheris, quhill forder ordour be takin.

That all dyettis befoir the Secreit Counsale, the justice-generall and his deputis, the shereff of Edinburgh and his deputis, the commissaris of Edinburgh and jugeis constitute be commissioun, desert and rest uncallit quhill the xv day of Junii nixt to cum, except in grite and wechtie caussis propirlie belangand to the Kingis Majesties awne estate."

That, because of "the multitude of suspensionis dalie socht be divers the subjectis chargeit undir the pane of horning, and of the perrell thay may incur gif suspensionis salbe refusit quhair thair is ressonable and lauchfull caussis," the Lords of Council and Session shall send two of their ordinary number to whatever place his Majesty may be in, to remain for fifteen days, "and swa to be relevit be uthir twa be ordour heirefter appointit, and swa ay tua to releve uthiris at the end of everie fyftene dayis quhill the sessioun sitt doun agane," their ordinary contribution to be allowed them during their attendance, and their business to be "to heir the billis of complenaris craving suspensionis or uthiris desyris lauchfull." Also "that the clerk delyverar of the billis, the kepare of the sessioun signet, the directour of the chancellarie, writter to the privie seill, and clerk kepar of the bukis of assignationis of the ministeris stipendis, or thair deputis, be allwayes present, awating upoun the deliverie of the saidis billis or sik uthir thingis as propirlie belangis [to] thair officeis." Fol. 5, b.

Holyrood-house, 8th June.[1]

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Joannes Maitland de Thirlstane, Secretarius; Willelmus, Commendatarius de Pittinweyme; Clericus Registri; Computorum Rotulator; Murdocarny.

[1] Between last entry and this, viz., on the 29th of May, there had arrived in Edinburgh, as ambassador from the English Queen, in company with the Scottish Justice-Clerk, Sir Lewis Bellenden, returning from his mission to England (*ante*, p. 745, footnote), a certain Mr Edward Wotton, bringing with him, as presents from Elizabeth to James, some noble horses and some couples of fine hounds (Calderwood iv. 372). The ambassador himself "was gay, well-bred, and entertaining; he excelled in all the exercises for which James had a passion, and amused the young King by relating the adventures which he had met with, and the observations he had made during a long residence in foreign

Acta 1585–87. Protest by Johnne Dougall and Johnne M^cKgillewy in Culbone, who have appeared, as summoned by letters under the King's subscription and signet, but find that the person at whose instance the said letters were obtained, "quha is unknawin to thame," has not appeared to pursue. Their protest is that they shall not be called upon to appear or answer again till summoned anew and their expenses paid: "quhilk protestatioun the saidis Lordis of Secreit Counsall admittit." Protest of John Dougal and John McGilliway.

Protest admitted, for the same reason, of Archibald Fynlawsoun in Broych, Thomas Lokesoun, elder, in Benestoun, Thomas Lokesoun, younger, Johnne Lokesoun there, Downy Young in Bordland, Archibald Henry in Wester Lanerk, Robert Young in Auchinsall, Patrik M^cKinwre in Daldowrane, Johnne Finla in Tar, and Johnne Bennet in Bordland. Protest of Archibald Finlayson and others.

Sederunt:—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Dunfermline, 18th June.[1]

countries; but, under the veil of these superficial qualities, he concealed a dangerous and intriguing spirit" (Robertson, *sub anno*).—The main and avowed object of Wotton's embassy was to bring about a Religious League, or offensive and defensive alliance, between England and Scotland, to counteract the Holy League that had been formed by the French Guises, the Pope, and Philip II. of Spain, in the interests of Roman Catholicism throughout Europe. Negotiations for a Counter-League had been begun by Elizabeth with the Continental Protestant powers; and she was especially anxious to include Scotland, because such a religious pact between the two parts of the Island would proclaim the hopelessness of that restoration of Mary to power, whether by herself or in "association" with her son, which was part of the calculations of the Roman Catholic scheme. For this object Wotton was to deal with James himself, and also with Arran, the *de facto* ruler of Scotland. He had subordinate and secret instructions, however, the sum of which was to co-operate in every possible way with the Master of Gray, Sir Lewis Bellenden, Secretary Maitland, and others, in their plans, already understood between them and Elizabeth's ministers, for undermining Arran, and bringing back the Banished Lords. Hence, from the moment of Wotton's arrival in Edinburgh, an extraordinary play of double diplomacy on his part,—on the one hand, openly with James and Arran; on the other, with Gray and the other conspirators against Arran. With the latter he had even been discussing the question "whether it were best to seize and *discourt* their enemy or to assassinate him." (For documentary proofs, dated May 31, *et seq.*, see Tytler, *sub anno*.)

[1] The King and Court had now left Edinburgh, to avoid the plague raging there, and were not to return for some months. The English ambassador, Wotton, had accompanied the King, the horses and hounds he had brought from England being taken with them. In Fifeshire, out of reach of the plague, "the King hunted, feasted, and made progresses to his different palaces, and the seats of his nobility. The ambassador, in whose society he took much delight, attended him in all his expeditions, occasionally mingling state-affairs with the chase, or the masque, or the banquet" (Tytler, *sub anno*).—Besides Wotton, there followed the Court into Fifeshire three ambassadors from Denmark, who had arrived in Edinburgh on the 14th of June. The nominal object of their mission was to sue for the restoration of the Orkney and Shetland Islands to the Danish Crown, on repayment of the sum for which they had been pledged or "wadset" in 1468, by way of security to James III. for the dowry of his Danish bride, Margaret. It was understood, however, that they came on the project of a new matrimonial alliance between Denmark and Scotland by the marriage of James with one of the daughters of the present Danish King, Frederick II. It was observed that they received very little attention and were treated rather discourteously. James was quite careless as yet on the subject of his marriage with any one, and was wholly engrossed with hunting, the charms of the English ambassador's society, and the scheme of a League with England. (See *Calendar of English State Papers relating to Scotland*, i. 498,499, and *Memoirs of Sir James Melville of Halhill*, Bannatyne Club Edition, 336, *et seq.*)

Joannes Maitland de Thirlstane, Secretarius; Robertus, Commendatarius de Deir; Willelmus, Commendatarius de Pittinweyme; Clericus Justiciarie; Segy; Computorum Rotulator. Acta 1585–

Margaret Lauriston against John Lauriston of that Ilk and others.

Johnne Lourestoun of that Ilk having been put to the horn at the instance of Margaret Lourestoun, daughter of the late James Lourestoun of that Ilk, and the said Margaret having obtained from his Majesty a gift of all the said John's escheat goods, letters had gone forth for seizing the said goods wherever found and delivering them to her as donatrix. By virtue of these letters, Robert Frasar, unicorn pursuivant, had, on "the day of Marche last bypast," gone to the said Johnne Lourestonis place of Lourestoun, "quhair he apprehendit within the barn of the same ane bing of dicht beir, estimat to ane chalder of beir." Having made seizure of the same, he had "lokkit the dure and brocht the keys thairof with him unto sik tyme as he mycht have commodiouslie transportit the same furth, to have been deliverit to the said complenare as hir awne propir escheit guidis." But on the 14th of April the said Johnne Lourestoun, "quha hes contemptuouslie lyne at the horne be the space of ane yeir last bipast," had, "accumpanyit with James Lourestoun, baxtar and burges of Edinburgh, his brothir, Williame Peblis, of the causing and assistance of James Corstoun in Nethir Crawmond, and Andro Bell in Lourestoun," with about twelve others, come armed with guns and other weapons to the said place, and "violentlie brek up the said bern dur, intromettit with and awaytuke the said beir, nathing regarding the proces of horning nor the command and charge of the letters past upoun the said gift of eschete."—Having been summoned to appear and answer for this contempt, committed "within twa myllis to his Hienes residence," and having failed to appear, while the complainer, Margaret Lourestoun, appears by Thomas Frasar, her procurator, they are to be denounced rebels. Fol. 6, a.

Dunfermline, 23rd June.

Sederunt:—Arrane; Montrois; Thirlstane; Downe; Pettenweyme; Murdocarny; Comptroller; Justice Clerk; Segy.

For remedying abuses in letters of summons.

Because of the great injury done to the lieges through summonses being obtained by private persons charging others to appear before the Secret Council to answer *de super inquirendis* under pain of rebellion, or to enter themselves in ward, or to do something under pain of treason, the secretary and his deputies are commanded to pass no letters charging any person to appear and answer *de super inquirendis*, "notwithstanding the subscriptioun be his Hienes or ony twa or ma nowmer of his Counsall," unless the same be "specialie subscryvit be the cheiff officiaris of his Estate, at the leist foure of thame, quhairof the chancellar, thesaurar or secretar salbe alwayse ane."—Converted into an Act of Parliament, Dec. 10, 1585 [see Acts of Parl., 1585, c. 7 iii. 377].

ta 1585–87. Fol. 6, b.

In consequence of the Plague in Edinburgh, order to "the generall and maister of his Hienes cunyiehous to transport the same, and all officiaris, furniture, werklumis, and necessaris belangand thairto, fra the burgh of Edinburgh to the town of Dundee, with all possible diligence, and thair to entir and continew in cunyeing and wirking of gold, silver, and allayed money, according to the actis and warrandis past thairanent of befoir, alterand the circumscriptioun of the allayed penneis OPPIDUM DUNDIE for OPPIDUM EDINBURGI, and eikand ane rig within the letters, as thay have alreddy outwith the same, quhairevir it sal happin the said money to be wrocht, and that thay caus prepair all necessar houssis for working, straking and transporting of the officiaris and servandis of the said hous upoun his Majesteis expenssis."—The officers of the cunyiehouse to be "weill usit and intertenyit" in Dundie, and to enjoy all their privilegis there, just as at Edinburgh. Removal of the cunyiehouse to Dundee.

As his Majesty means to spend a portion of the summer in Fyff or the vicinity, "accumpanyit with foreyne ambassadouris, and with divers of his nobilitie, Counsale, and officiaris, beside the concours of sindrie uthiris of his gude subjectis to his Hienes presence and courte for thair effearis," proclamation is to be made at the market cross of Dunfermling ordering all repairing to that town to "contene thameselffis in honnest behaviour and quietness," and on no account to molest, invade or provoke one another, "othir for auld feid or new, under the pane of deid," and also commanding that none presume to "eitt, tramp doun with their horssis, or to sheir, cutt or beir away ony growand cornis or hayned medois and parkis, undir the pane to all boyis that dois in the contrare thay salbe putt in prissoun, scurgeit, and banisheit his Hienes courte and cumpany, being apprehendit in the deid doing, or the same verefeit aganis thame be twa witnessis in presence of his Hienes master of houshald or master of stable; quhom his Hienes commandis to see the said pane execute upoun the transgressouris without delay or favour, and that thay command and caus keip the master of the said boy in clois warde on his awne expenssis quhill he have satisfiit the skaith to the full contentment of the persoun quhatsumevir that sustenis the same."—Further, the proclamation is to "charge all personis, induellaris of the toun of Dunfermling, or uthiris sellaris of viveris within the same, that thay honestlie treat and interteny his Hienes servandis, subjectis and strangearis, in lugeing, meitt and drink, at thair ressonable expenssis, not exceding the prices following:—that is to say, for a manis ordinar melteth of sufficient braid and aill, soddin beiff, mutton, and brois, and rosted muttoun, xl đ., and to be bedfree, and, gif ony requiris greitar or les cheir, the price to be ressonablie augmented or diminished; for the single bed, quhair men keipis nocht table, xii đ. on the nycht; and sa the meill of the chalmer to be according to the nowmer of the beddis thairin, beside ressonable payment for fyre and candill gif ony beis socht; the pynt of burdeaulx wyne, iii ß. iiii đ.; the pynt of aill, viii đ.; xiiii unce of quheit bread, vi đ.; gude aittis, iii ß. iiii đ. the pect; everie Regulations for good order round the court at Dunfermline.

hors for stable in the nycht, ii đ.; and for stra ilk xxiiii houris, xviii đ., or the awnaris of the hors to by the stray thameselffis at thair awne optioun: and that nane tak upoun hand to exceid the saidis prices, under the pane to be committit to warde and to be puneist and demeanit as extortioneris and regrataris." Acta 1585. Fol. 7, a.

Band of Caution for certain feuars of Broughton.

Registration of band by Mr Johnne Kene, writer, as procurator for the parties, as follows:—The feuars of the lands and barony of Brochtoun having, upon consignation in the hands of the Clerk of Secret Council of the sum of £7, 10s. 9d., obtained suspension of the letters raised by Adam, Bishop of Orknay, Commendator of Haliruidhous, charging them to pay to him the sum of £215 for his relief of his part of the late taxation laid upon the said abbacy, Johnne Kinkaid of Warestone and Robert Monypenny of Pilrig become bound for themselves, and as sureties for the following feuars of the said lands and barony,—viz., George Logane, portioner, and Grissell Fairny, his mother, liferenter, of Bonytown; Margaret Wardlaw, relict of David Wady in Leyth; Issobell Mubray, relict of Johnne Thomsoun in Leyth; Williame Wod, portioner of Bonytoun, and Jennett Cokburn, his mother, liferentrix thereof; James Craufurde, portioner of Brochtoun; Johnne Mathesoun, portioner there; Stevin Kincaid, portioner there; David Vaus, portioner there; James Logane, in the Kirkgait of Leith, portioner of the Fluris; Hayis, daughters of the late Gilbert Hay, portioners of another part of the Fluris; Clemett Kincaid, portioner of the Coittis; Mr James Watsoun, portioner of Sauchtoun; Johnne Moresoun, portioner there; James Haldan, portioner there; Johne Leirmonth, portioner there; Johnne Watsoun, portioner of Sauchtounhall; Johnne Stenhop of Stanehopps; George Listoun, portioner of Sauchtoun; James Ballenden of Pittindreych; James Bellenden, younger, his brother; Patrik Creichtoun of Lugtoun; Elizabeth Lyoun, relict of James Hart; and Johnne Smyth in the Cannogaitt,—that they shall obey the decree to be given by the Privy Council touching the part of the said taxation to be paid by them for the said Commendator's relief. The band is subscribed at Pilrig, 22nd June 1585, before these witnesses: Mr Johnne Kene, writer, Johnne Monypenny, mariner, and Andro Plumar, servant to the said Mr Johnne.

Falkland, 1st July.

Sederunt—Arrane; Montrois; Thirlstane; Downe; Pittinweyme; Murdocarny; Justice Clerk; Comptroller; Segy.

Falkland to be cleared of all strangers and casual persons.

The pestilence having "enterit this yeir bigane within the bouellis of this cuntrey," and infected sundry towns, "cheiflie sik as lyis on the coist syde of the sherefdome of Fyff," causing great mortality, there is reason to fear that it may spread in other towns south of the Forth "in this dangerous seasoun of the yeir;" and, "the cheif occasioun thairof being the confluence, grite repair, and resorte of rascall people and utheris wicked personis laiking quhome upoun propirlie to depend,"—of which sort of people there is

ta 1585-87. "grite quantitie in his Hienes toun of Falkland, attending upoun na particular persoun nor occupiit in na particular occupatioun," but coming and going "to the grite danger of his Hienes and the noblemen heir resident," —proclamation is ordered at the market cross of Falkland commanding all that are not properly dependent "on sum particular persoun quha is requisite to attend on his Majesteis service," or that are not otherwise entitled to be in the town by special leave or occupation, to depart from it
Fol. 7, b. to their own dwelling places within six hours after they are charged, "under the pane of deid."

Sederunt—REGE PRESENTE—Georgius, Comes de Huntley; Jacobus, Comes de Arrane; David, Comes de Craufurd; Joannes, Comes de Montrois; Patricius, Magister de Gray; Joannes Maitland de Thirlstane; Computorum Rotulator; Clericus Justiciarie; Clericus Registri; Murdocarny. Falkland, 6th July.

Sir James Campbell of Ardkinglass relieved of his comptroller-ship, with exoneration, that he may attend to the affairs of his young chief, the Earl of Argyle; but to be retained on the Privy Council.

His Majesty remembering the good and faithful service of the late Archibald [Colin?], Earl of Ergyll, chancellor and justice-general of the realm, and considering that the said late earl has left his young son Archibald, the present Earl, under the tutelage of his mother and some special chosen friends, one of whom is his Majesty's trusty servant and councillor, Sir James Campbell of Ardkinglas, comptroller of the household, it pleases his Majesty to take notice that this Sir James, being "speciallie effectionat to the verteous educatioun, honour and weilfair of his young chief, now remaning at his house of Ardkinglas," and "having occasioun sumtymes necessarlie to repair to Ergyll and uthiris the boundis off the said Erll," finds no small difficulty in attending to these duties to his young chief and at the same time discharging the business of his comptrollership,—"in the furnissing and provisioun of his Hienes house and stable, requiring almaist the continuall personall attendance of his Majesteis comptrollar and uthiris officiaris having the charge thairof." It is therefore ordered, on the petition of the said Sir James Campbell of Ardkinglas, "and that he may the rather be able to attend upoun ordering of the effearis of his said cheiff, and to do his Majesteis service in furthering of bettir payment of his rentis and intertenying of gude reull and quietnes in the cuntreyis of Ergyll, Lorne, Knapdale, Kintyre and the Iles," that the said Sir James, with acknowledgment of his good service hitherto, be relieved "of the office of his Majesteis comptrollarie," some such person to be chosen in his place "as may with les difficultie and inconvenient attend thairupoun heireftir;" and that, accordingly, Sir James, "with all gudelie diligence, eftir the hering of the ordinare comptis of the chalmerlanis, ressavaris, customaris and uthiris intromettouris with the rentis of his Hienes propirtie at the dayis appointit thairto," render his own accounts "of all termes sen his entrie to the office of comptrollarie quhill the first day of September nixt to cum," with reckoning of the sums due to "all officiaris and servandis of his Hienes house and

stable, and utheris haveing feis or allowance furth of the said office of comptrollarie during the same space," his Majesty undertaking "to see thame presentlie payit thairof, at the leist thair payment and satisfactioun utterlie tane of the said Schir James." There is to be full exoneration to Sir James in due form for his conduct in his office, "continewand him alwayes in the place and nowmer of ane of his Majesteis Prevey Counsall, and to have presence and voit thairin at all tymes quhen he sal happin to have occasioun heireftir to repair to his Hienes presence and cumpany, or quhen he salbe send for be his Majestie, or sall requir him to informe his Hienes and his Counsall of the particular estate of the saidis Hielandis and Iles." And, "becaus of his far distance frome the places of his Hienes maist ordinar and commoun residence, and that his Majesteis will is nocht that he salbe subject to ony perrellis of horningis or uthiris panes befoir he be callit to his ansuer," his Majesty, with advice of his Council, decerns, and promises on the word of a prince, that no letters of horning containing other pains shall be summarily or simpliciter directed or used against him, and also "that he nawayes salbe charged nor removed fra the custodie of his Hienes house of Alloway, and assignatioun maid thairfoir, or teindis quhilkis pertenit to Johnne, sumtyme Erll of Mar, disponit to the said Schir James, bot that he sall enjoy, bruik, and possess the same als suirlie . as ony utheris to quhom ony of the foirfaltit landis or rentis wer disponit." All his Majesty's officers are to take notice of this Act in favour of Sir James, and to suffer nothing to be done within their respective departments to the contrary. Acta 1585 Fol. 8, a.

Feuars of Dunfermline and the Commendator of Pittenweem.

Complaint by Williame Lundy of that Ilk, Robert Dury of that Ilk, David Boswell of Gaitmilk, David Boswall of Mylndenis, Thomas Gourla, portioner of Over Grange, Gelis Boswall in Newbigging, and the other tenants and feuars of the lands lying within the regality of Dunfermling, as follows:—Williame, Commendator of Pittinweyme, alleging a commission to him of the bailiary of the said regality, has charged them to pay to him, within ten days, the duties of the crop 1584 wont to be paid to the bailies of the said regality, and intends to put them to the horn for disobedience. Now, "it is of veritie thay have alreddy maid payment of the deutie of the saidis landis, at command of uthiris his Majesties letters in the foure formes, gevin upoun ane decreit of the Lordis of Counsall and Sessioun, obtenit at the instance of David Dury of that Ilk, quha is heritablie infeft in the said office of baillierie." The complainers, therefore, having "*bona fide* maid pament thairof to him of the said crope lang befoir ony charge or executioun of the saidis letters execute aganis thame at the instance of the said Commendatar," ought not to be called on for double payment, the rather becaus the said letters, even were they properly procured, "can have na executioun aganis thame for the said yeir of God j^{m}v^{c}lxxxiiii,—the said yeir for the maist pairt being past by and outrun befoir the obtening of the saidis letters or commissioun quhair-

Acta 1585-87. upoun the same procedit." But the letters "ar maist wrangouslie and inordourlie gevin aganis thame, thai nevir being callit nor perseuit to have hard the same gevin." On these grounds they claim suspension of the letters.—Parties having been called, the said Robert Dury, appearing for himself and the other feuars, has alleged himself to be "heritablie infeft in the office of baillierie of the said regalitie of Dunfermling," and to have "obtenit decreit of the Lordis of Counsall and Sessioun for causing of the tennentis and occupiaris, and uthiris addettit in pament of the feis and dewiteis belanging to the said office, to reddilie ansuer, intend, obey, and mak thankfull payment to him and to his airis of the crope and yeir of God j^{m}v^{c}lxxxi yeiris and siclike yeirlie and termelie in tyme cuming, conforme to his infeftment, as the decreit of the saidis Lordis of the date the xxv day of Aprile, the yeir of God j^{m}v^{c}lxxxiiii yeiris, schawne to the Kingis Majestie and Lordis of Secreit Counsall, proportit." The said William, Commendator of Pittinweyme, being also personally present, alleges "that, be ressoun the said decreit wes gevin of the date foirsaid, quhilk wes eftir the deith of Robert, Commendatar of Dunfermling, befoir the geving quhairof, seing the said benefice had fallin and becum in our Soverane Lordis handis throw deceis of the said Commendatar, the Kingis advocat, economus, and all utheris haveing entres, suld have bene callit befoir ony decreit had bene gevin thairin." The Lords, after consideration, decern the letters obtained by Williame, Commendator of Pettinweim, "to be ordourlie procedit," and ordain the same to be put to execution in all points.

Fol. 8, b. The King, with advice of his Council, having "appointit his chekker to sitt and begin at Falkland upoun the xv day of Julii instant," proclamation is ordered charging all "having ony actionis, ather to persew or defend, befoir the auditouris of his Hienes chekker," to appear on that day and wait decision. Falkland, 7th July. The Exchequer to sit at Falkland.

Caution in 500 merks by Alexander Cumyng of Culter for Sir James Edmestoun of Duntreyth, that he shall deliver to Robert Hammiltoun of Inchemauchane certain writs, "conforme to our Soverane Lordis letters rasit at the instance of the said Robert to that effect, quhilkis ar suspendit to the tent day of September nixt to cum": James, Lord of Down, becoming bound to relieve the cautioner [see *ante*, p. 724 and p. 744]. Falkland, 20th July. Caution for Edmonston of Duntreath.

Sederunt—Jacobus, Comes de Arrane; Joannes, Comes de Montrois; Jacobus, Dominus Downe; Joannes Maitland de Thirlstane, Secretarius; Clericus Justiciarie; Clericus Registri; Computorum Rotulator;[1] Murdocarny. Falkland, 21st July.

Although, "eftir decrete of deprivatioun and depositioun pronunceit aganis

[1] Sir James Campbell of Ardkinglas having been relieved of the Comptrollership by Act of Council a fortnight ago (*ante*, p. 753), this "Computorum Rotulator" was his successor in the office, Andrew Wood of Largo.

Alexander Urquhart, Hector Monro, and the Deanery of Ross.

Alexander Urquhart, last deane of Ros," Master Hector Monro, son of Robert Munro of Foullis, "wes presentit be his Majestie to the said deanrie, rentis, fruitis, and emolumentis belangand thairto, and for the first fruitis of the same the said Robert payit to his Hienes thesaurare the soume of fyve hundreth markis money," yet "the said Maister Hector is still postponit and frustrat of his collatioun ordinar and admissioun to the said deanrie, and the said Alexander thairthrow pretendis libertie to proceid in his prodigall dilapidatioun and vaisting of the rentis of the same, as in verry deid thay ar alreddy sa consumit and exhaustit be his doings that, gif the thingis past be him sen his depositioun have place, litle or nathing sall remane to the successour quhatsumevir." The King, therefore, with advice of his Council, ratifies the said decreet and sentence of deprivation against the said Alexander; "allowis the electioun of the personis, ministeris within the diocie of Ros, nominat be the synodall assemblie thairof as assessouris to Maister Robert Grahame, archideane of Ros, present commissionar of the same,—thay ar to say, Maister Johnne Robertsoun, Mr George Munro, Robert Munro, Andro Mylne, Williame Ros Thomassone, Maister Andro Crumby, Donald Dow, Finla Mansoun, and Maister Robert Williamsoun;" and ordains letters to issue charging the said Archdeacon and commissioner, with the aforesaid assessors, that, "upoun dew tryall and examinatioun of the said Maister Hector Monro, finding him worthy to entir in the functioun of the ministerie," they shall admit him to the said deanery "conforme to his said presentatioun," within six days after being charged, notwithstanding "the lang space past sen the dait thairof." Acta 1585.

The Captain of Blackness against Ogilvie of Inverquharity.

Complaint of Alexander Stewart, captain of Blaknes Castle, as follows: —Having been commanded to receive within the castle Sir Johnne Ogilvy of Innerquharratie, knight, "thair to remane upoun his awne expenssis ay and quhill he wer fred," he had not only done so, but had also directed four "feit servandis" to attend upon the prisoner, "trusting that without difficultie or impediment he suld have pait his awne expenssis, as alswa the chargeis of his keparis and of his wyff and servandis that come to visite him." This, however, he altogether refuses; and the petitioner's prayer, accordingly, is that the Lords will fix a sum "to be payit dalie for the said Schir Johnne, his wyff, and servandis being with him, and for his saidis foure keparis, sen his entrie in the said castell and in tyme cuming quhill he be fred."—The Lords think the desire reasonable, "and thairfoir hes modifeit, and be the tennour heirof modifeis, the soume of xl ß. dalie for the ordinar expenssis of the said Sir Johnne and his awne servand attending upoun him in the said castell, and vi ß. viii đ. dalie for the expensis of every ane of his four keparis abonewrttien, continualie sen his entrie in the said castell and quhill he be fred and relevit thairfra, allowand in the said sowme of xl ß. the expenssis of his wyff during the tyme that scho hes bene with him, or sall accumpany him heireftir." Ogilvy is commanded to pay his arrears at these rates within twenty days after being charged, Fol. 9, a.

Acta 1585–87. under pain of rebellion; and power is given, if necessary, to arrest and distrain his moveable goods, or even apprise his lands, to the value of his debt.

Superplus of Arbroath and Lindores for 1584 to be inbrought for the King's use.

The King and Lords Auditors of the Exchequer understanding "that, by and attour the thrid and superplus of the abbacie of Abirbrothok and Lundoris unassignit to the ministerie of the crope and yeir of God j^{m}v^{c}lxxxiii yeiris, disponit to his derrest cousing, Ludovic, Duke of Lennox, and Patrik, Commendatar of Lundoris, thair wes alswa sum superplus of the same abbacie of the crop and yeir of God j^{m}v^{c}lxxxiiii yeiris, quhilk of befoir wes assignit to the ministerie, and be his Majestie, with avise of the saidis Lordis, wes assignit and appointit to the furnissing of his Hienes house, and nawayes ordanit to be upliftit be ony uthir persoun to ony uthir use," letters are ordered "chargeing all and sindrie fewaris, fermoraris, parrochynaris, possessouris, chalmerlanis, factouris, grauntaris, intrometouris, and uthiris addettit in payment of the said superplus of the lxxxiiii yeiris crope foirsaid," to make payment of the same to the collectour general, to be applied to the use abovewritten, under pain of rebellion, notwithstanding any letters obtained in the contrary, and, if need be, to poind the goods of the persons liable for the said superplus and to make penny thereof.

Fol. 9, b. Caution by Alexander Bonar of Balgirsho in 400 merks for Williame Bonar of Rossy, and in 200 merks for Johnne Bonar, his brother, that Johnne Skryngeour of the Myris, Johnne Avery, bailie of Falkland, Thomas Hardy, portioner of Wester Rossy, Johnne Hardy and Johnne Thomesoun, and their servants, shall be harmless, in their persons, lands, and goods, of the said Williame and Johnne.

Falkland, 22nd July. Caution for William and John Bonar.

Sederunt—Thirlstane; Downe; Maister of Gray; Dryburgh; Clerk of Register; Comptroller; Justice Clerk; Murdocarny.

Falkland, 23rd July.

Patrick Abercromby of Aberdeen against James Leslie.

Complaint by Patrik Abircrumby, burgess of Abirdene, as follows:—He had obtained decree before the Lords of Session and letters of the four forms against James Leslie, burgess of the said burgh, "decerning him to pay to the said Patrik the soume of foure hundrith markis, as for his assythment and satisfactioun for the murthering of his umquhile fader undir cloude of nycht and tressonable fyrerasing and birning of his hous: for quhilkis crymes he purchest ane nynetene yeiris respett, shawne and produceit befoir the saidis Lordis; quhilk is alreddy expirit, the said James having wilfullie past to the horne, and the said Patrik having rasit letteris of cautioun upoun him, knawand himself so gilty that be the law he can nocht be his Majesteis leig unmakand the said Patrik satisfactioun and payment of the said sowme, quhilk indeid is the laist pairt of the expenssis maid be him in persute of the said James be the law for the said cryme." But the said Leslie, as the complainer is informed, has "purchest certane

prevey letters past be his Majestie, alsweill relaxand him fra the said proces of horne as gevand him ane supersedere to be unpersewit for certane yeiris nixt to cum for ony dettis; in doing quhairof he hes nocht onlie drawne the said Patrik to wrak and intollerable loss, and stayit him fra his trafficque in uthir cuntreyis in wynning of his leving be merchandice throw awating heir on his saidis caussis, bot hes perrellit his awne lyff in cais his Majestie wald execute the lawis and actis aganis him for presuming to present ony thing to be subscryved be his Hienes tending sa heichlie to the contempt of his Majesteis lawis," expressly contrary to Acts of Privy Council forbidding any but the ordinary officers to present papers to be passed by his Majesty. "Throw sik craftie and unupricht dealing, nocht onlie the said Patrik, bot uthiris his Majesteis pure liegis, will nocht faill to be drawne in all kynd of miserie and povirtie, gif sik letters of supersedere and relaxatioun be grantit befoir the pairteis dampnifeit ressave satisfactioun; as likwayes all societie, credite, borrowing, and lenning will ceis gif the ordinar cours of the lawis salbe swa impedit."—Parties having been called, and the complainer appearing by Mr George Abircrumby, his procurator, but Leslie not appearing, the Lords declare the letters of supersedere and relaxation obtained by Leslie to be null. Acta 158

To denounce Robert Bruce of Clackmannan.

Margaret Murray, Lady Clakmannane, has complained that Robert Bruce of Clakmannane "continualie troublis and molestis hir in the peceable possessioun of hir landis, swa that nane of hir tennentis dar, for feir and dangear of thair lyveis, labour nor manure the same, nor answir and mak payment of the fruitis and dewiteis, he having na title nor rycht quhilk be can acclame of the same or pretend thairto, bot meaning onlie be this forme of dealing to dwang hir and hald hir in continuall trouble, that sho salbe at leist constranit to gif ouer and leve the same." Parties having been called, and the complainer having appeared personally, while Bruce has neglected the charge to appear, the Lords order Bruce to be denounced rebel. Fol. 10,

Caution for Affleck of Cumlege.

Caution in £1000 by Johnne Swyntoun in Inuerkething for Archibald Afflek of Cumlege, that Williame Home of Aytoun, his tenants and servants, shall be harmless of him.

Falkland, 24th July.

Caution for John Avery, bailie of Falkland, and for Thomas Hardy of Wester Rossie.

Caution in 300 merks, by Alexander Arnott, for Johnne Averie, bailie of Falkland, that Williame Bonar of Rossy, Johnne Bonar, his brother, Johnne Thomsoun, James Thomsoun, Johnne Hunyman, Richard Bauerage, and Henry Lumisden, tenants of the said William, shall be harmless of the said bailie.

Caution in 200 merks, by James Bauerage in Auchtirmouchtie, for Thomas Hardy, portioner of Wester Rossy, that the same persons shall be harmless of him.

Falkland, 26th July

Caution by Thomas Arnott, burgess of Striviling, for Williame Watt, Alexander Quhyte, Johnne Bartilmo, Johnne Callendar, and Margaret

ta 1585-87. Callendar, his mother, tenants of the lands of Giltoun, that they shall pay their mails and duties of the said lands, either to James, Earl of Arrane, or to Adam, Bishop of Orknay, Commendator of Haliruidhous, according to a declarator to be given by the Privy Council. Caution for William Watt and others.

Registration of the following obligations, presented by Hew Glen, as procurator for the persons underwritten:—[1] Caution in £2000 by Fol 10, b. Coline Campbell of Ardbeith for James, Earl of Glencarne, that Dame Annabell Murray, Lady Mar, shall be left by him in peaceable possession of her lands. The band subscribed at Ardbeith, 16th July 1585, before these witnesses: Mr Johnne Chalmer of Corraith; Hew Barclay of Ladyland; William Glen of Bar; Gawine Hammiltoun, notary; James Campbell, servitor to the said Lord; Robert Cuke, notary. [2] Caution by James, Earl of Glencarne, for Johnne Lindsay of Blakisholme, Hew Glen, Thomas Spens, Johnne Mathie, James Flemyng, Petir Gairdner, Petir Henry, Johnne Hattanrig, Johnne Lyill in Blakstane, Robert Cuik, notary, and James Gardiner, all his servants, that Lady Mar shall not be troubled by them in the possession of her lands of Erskin. The band is subscribed at Balquhidder, 16th July 1585, before these witnesses: Johnne Cunynghame of Ros, the said Lord's brother; Mr Johnne Chalmer of Corraith; Robert Cunyinghame in Cloncaird; and Robert Cuik, notary. Bands for the Earl of Glencairn and his servants.

"The Kingis Majestie and Lordis of Secreit Counsall undirstanding of this unhappy accident betuix his Hienes Wardane of the Myddill Marche and the opposite officiar of England, greitlie to his Majesteis displesour and troubling of the quiet estate of baith the realmes, and his Hienes being myndit to tak ordour thairwith sa sone as possibillie can be for staying of forder inconvenient, thairfoir ordanis letters to be direct to officiaris of arms, shereffis in that pairt, chargeing thame to pas and in his Majesteis name and authoritie command and charge all and sindrie his Hienes liegis, be oppin proclamatioun at the mercatt croceis of Duns, Jedburgh, Selkirk, Hawik, Drumfreis, and uthiris placeis neidfull, that thay contene thameselffis, in peceable and quiet maner at this tyme, unattempting ony invasioun, hostilitie, or revenge aganis ony Englishman, in his persoun or guidis, nochtwithstanding quhatsumevir caus offred or to be offred to his saidis liegis, unto the tyme thay undirstand our forder mynd be our speciall letter, as they will answer to his Hienes upoun thair obedience, at thair uttermost charge and perrell, and undir all hieast pane, cryme and offence that thay may committ and inrin aganis his Majestie in that behalff."[1] St Andrews, 29th July. None to attack or harm any Englishman.

[1] The "unhappy accident" which occasioned this order was a fray or scuffle two days before (July 27), at a meeting on the borders of Teviotdale between Sir Thomas Ker of Fernihirst, Scottish warden of the Middle March, and Sir John Forster, English warden of the opposite March. It was a day of "trew," or of the customary meetings of the wardens for friendly business; but a quarrel occurred somehow, a party of the English was attacked furiously, and Francis, Lord Russell, eldest son of the Earl of Bedford, was "shot with a dag." He died next day; and the affair caused immediate excitement

St Andrews, 31st July. [A Convention of Estates.]

Sederunt—Robertus, Comes Marchie; Joannes, Comes Atholie; Georgius, Comes Mariscalli; Joannes, Comes de Montrois; Andreas, Comes de Rothes. DOMINI—Laurencius, Dominus Oliphant; Patricius, Dominus Gray; Hugo, Dominus Sinclare; Jacobus, Dominus Doun; , Dominus Flemyng. EPISCOPI—Patricius, Sanctiandree Episcopus; Robertus, Glasguensis Episcopus; Robertus, Dunkeldensis Episcopus. ABBATES—Commendatarius de Culrois; Commendatarius de Balmerinoch; Commendatarius de Dryburgh; Commendatarius de Kinlos; Commendatarius de Lundoris; Commendatarius de Blantyre; Commendatarius de Pittinweyme. OFFICIARII — Secretarius; Computorum Rotulator; Clericus Registri; Murdocarny. COMMISSIONARII BURGORUM—Henricus Nesbitt, Georgius Hereot, commissionarii pro Edinburgh; Alexander Scryngeour, pro Dundee; Robertus Rowett, pro Glasgw; Robertus Forestare, pro Striveling; Willelmus Norvall, [pro Striveling]; Patricius Leirmonth de Dersy, pro Sanctandrea; Georgius Cochrane, pro Air; Jacobus Cokburne, pro Hadingtoun; Joannes Kirkaldy, pro Kinghorne; Robertus Hay, pro Kirkaldy; Joannes Andirstoun, pro Coupar; Joannes Ramsay, pro Craill. Acta 1585–

"Band anent the trew Relligioun," or Act of Estates for a league offensive and defensive with England.

For the Act of this Convention in full, entitled "Band anent the trew Relligioun," see the Acts of Parliament, vol. iii. pp. 423, 424.—It begins "We, the Nobilitie and Esteatis presentlie convenit, undirstanding the course of the present proceedings in foreyne pairtis, and that divers princes and potentatis, terming thameselffis Catholikis, have jonit thameselffis under the Pappis auctoritie in a maist unchristeane confederacie aganis the trew Relligioun." It proceeds to assert the necessity of a contrary league among Protestant powers, and especially of a firm union between the two crowns of England and Scotland; it declares this last necessity to be too urgent to be "defferrit to a mair solemne conventioun of the haill Estaittis in Parliament"; it expresses the nation's trust in "the singular discretioun, wisdome and circumspectioun, and maist ernist zeal" of young "King James the Saxt"; and it gives full powers to James to contract a Fol. 11, a.

both in England and in Scotland. News of it had just reached St Andrews, where the effect on James was such that he "shed tears like a newly-beaten child" in the English ambassador's presence, "cast himself upon his bed, and, tumbling upon it, said that it had not greeved him so muche if ten thousand men had entered in the countrie and spoiled it to Edinburgh" (Letter of Wotton's to the English Secretary Walsingham, of date St Andrews, July 29, given in abstract in *English Calendar of Scottish State Papers*, i. 502; with passage in Calderwood, iv. 379). The reason of James's great discomposure was that the accident had come just when all the arrangements for the League with England had been completed, and he had written to Elizabeth to express his delight in that fact, thank her for the pension of £5000 a year she had promised him, and beg the continuance of her favour. What aggravated the misfortune most was that the English ambassador Wotton had at once treated the affray and Lord Russell's death as no mere accident, but a deliberate contrivance of the Laird of Fernihirst at the instigation of James's chief minister, Arran. In his first agony over this suspicion, James offered to send both Arran and Fernihirst into England to be tried (Wotton's Letters as above).

Acta 1585-87. league offensive and defensive with the Queen of England, and to nominate Commissioners to settle the specific articles with the English Queen's Commisioners, promising on oath that those signing the present Band will ratify such articles by their consents in the next Parliament, "without questioun or contradictioun quhatsumeir," and will maintain them with their lives and estates. The Act concludes:—"In witnes quhairof, in presence of his Hienes, we have subscrivit thir presentis with oure handis at Sanctandrois the last day of Julii," etc. The signatures are forty-two in number. That of "Arrane" comes first; there follow the names of all the nobles, bishops, abbots, and others, recorded as present in the sederunt of the convention; but, besides Arran, there are six additional signers not in the sederunt, viz., the Master of Gray, the Commendator of Deir, the lairds of Lundy, Braid, and Dun, and Williame Duncane, one of the commissioners of Dundee.[1]

Fol. 11, b. Caution in £500 by Johnne Strauchane of Thornetoun for the appearance Caution for William Forbes

[1] The Convention had been called for the express purpose of passing the Act for that League with England which was the main object of Wotton's mission and which had been settled most amicably between him and James. As the occasion was a great one, the King himself introduced the business in the Convention with a royal oration, a copy of which will be found in Calderwood, prefixed to a copy of the Act itself (iv. 373–377). But the accident of the slaughter of Lord Russell four days before the Convention had nearly spoiled all. Though there had been no time yet for communication with London on the subject of that accident, the English ambassador Wotton, in his conversations with the King at St Andrews, had persisted in his first impression or hypothesis,—for which no Scottish historian of the period finds any evidence whatever,—that the slaughter had been planned deliberately by the Scottish Warden, Ker of Fernihirst, by instructions from Arran. This suspicion or hypothesis was to be henceforward, in fact, that very "handle" of Elizabeth and her ministers, with Wotton as their agent, for the overthrow of Arran for which they had been long seeking. Of what worth was the vote of the Scottish Estates for aReligious League between Scotland and England at a moment when the life of one of the best and highest of the Queen of England's subjects was not safe at a meeting of "trew" between the Scottish and English Border Wardens, and this because of the determination of the supreme man in Scotland to embroil the two kingdoms and turn the League into a farce? Such was the question that was to come peremptorily from Elizabeth and her ministers in London within a few days; and already Wotton was acting in the spirit of it, and, indeed, suggesting it in his letters to London. "The Queen will do well to take great offence at the death of Lord Russell, as it was a plan between Arran and Farnihurst," is the summary of a letter of his, from St Andrews to the English Secretary Walsingham, of this very day, July 31, the day of the Convention of Estates, with the significant addition, "good effects that will follow" (*English Calendar of Scottish State Papers*, i. 502). Indeed, already Wotton's vehemence on the subject had so far prevailed with King James that Arran had been committed to ward in the Castle of St Andrews till there should be farther investigation. He had been committed the preceding day, July 30; and James's assurance to Wotton was still that both Arran and Fernihirst should be surrendered to England (*Ibid.*)—This warding of Arran on the 30th accounts for his not being in the sederunt of the Convention of the 31st, though in the Act passed in the Convention his name heads the list of forty-two specially named as swearing to the League beforehand. The Act, though dated the 31st, had, doubtless, been drafted some time before, while Arran was at liberty.—The absence of the Master of Gray is also worthy of remark. He too had signed the Act voting the League; and so his name also appears in the Act, though not in the sederunt. His marriage about this time may account for the fact; or, as his relations to Arran were peculiar and fluctuating, his absence may have been studied.

of William Forbes of Corse before the Council or the justice when required upon fifteen days' warning. Acta 1585-

Peter MacDowall denounced.

Petir M°Kdouell, younger, of Mauchirmoir to be denounced rebel for failure to appear before the Council as charged.

Protest of Andrew Mercer of Aldy.

Andro Mersar of Audy, who had been charged to enter Andro Mersar, alleged to be in household with him although a rebel, and Richard Bigholme, alleged also to be his domestic servant, protests that, as he had "awaittit at the day appointed for the entrie" of the said persons, and they had not been called, nor had the party appeared at whose instance he had been charged, he shall not be held to farther answer in the matter till again warned: "quhilk protestatioun the saidis Lordis admittit."

MISCELLANEOUS PRIVY COUNCIL PAPERS.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

1. Proclamation nominating eight noblemen for "quieting of the publict troubles," subscribed with the following autograph signatures :— "James R. Mortoun. Cathcart" [*ante*, pp. 33, 34] : Stirling Castle. 1578. Sept. 23.

2. Order for the electing of the provost, bailies and Council of the burgh of Edinburgh [*ante*, p. 36] : Stirling Castle. Sept. 28.

3. The petition of Margaret Stewart, relict of Andro, Master of Uchiltre, against Mr Johnne Dowglas, chamberlain of the priory of Quhitherne [*ante*, p. 89]. Indorsed "*Fiat ut petitur*, A. Ergyll, Rothes." David Bryssoun, macer, executes the charge 24th January 1578, before these witnesses : Mr James Hering, provost of Methven, Johnne Stevinsoun, and Hew Campbell. Jan. 24.

4. Letter from the Privy Council of England to the Privy Council of Scotland :—"After our right hartie commendac[i]ons unto your good Lordships :—By the returne of Mr Adam Fullerton, appoynted from the King your Master to sollicite here the causes of his subjectis dampnified by certaine Englishe pyratis [see vol. ii. p. 707, and *cf. ante*, 3rd March 1579, p. 269], you shall understand at large the procedingis of the Quenes Highnes our Soveraigne, as well by the ordinary course of lawe as by other extraordinary meanes, towardis the satisfying of his said subjectis for the losses and damagis by them in that behalfe susteyned. And, albeit it hath not taken that good effecte that her Majestie and wee desyred, by occasioun of the iniquity and malice of the tyme, through the civill warres that hath happened in the dominions of the Queen our Soveraignes neighbours, which hath drawn many of the subjectis of this realme to enter into the services of other princes, and by those meanes under their licences have committed great spoyles, without difference or respecte of any nation, not sparing her Majesteis owne subjectis, which her Highnes, notwithstanding sondry good ordour taken, cold not so fully provyde for as theruppon was to have bene hoped : yet the said Fullerton may justly report unto you the great care and extraordinary favour that hath bene used here toward your nation, the lyke wherof hath not bene extended to the subjectis of any other prince,—which wee desyre might be made knowen unto the subjectis of that realme, to th' end that, uppon any unnecessary discontentment by 1579. Sept. 2.

Miscellaneous Papers.

them to be conceaved (not having had such ample satisfaction of their losses as they expected, and her Majestie and wee desyred), they enter not into any particular revenge by spoyling of any of her Highnes subjectis, which not prevented might move and kindle some further dislyking betweene our two Soveraignes and the subjectis of both realmes then were for eche others salftye: considering howe greatly they are maligned and hated by the enimyes of our relligion, who in such cases might make proffitt of such a disunion. The Queene our Soveraigne therfore, to avoyd all offence that might happely in this behalfe diminishe the continewance of the good amity betwene the two Crownes, and for the preventing of the like disorders to be committed by pyratis in tyme to come, hath, with advise of us of her Highnes Privy Councell, given generall order throughout the realme for the restrayning of nourishers and mainteyners of pyratis; which shal be so duely executed by severely punishing of the transgressors as no just cause, wee trust, shalbe herafter offred of greefe or complaint on her Majesties part or her subjectis unto the subjectis of your Soveraigne; who, by the like advise of you of his Councell, wee doubt not, will take like order in these causes within that realme. And nowe, concerning the dealingis of the said Fullerton during the tyme of his staye here, wee cannot (besidis his care, dilligence, and dexterity used in the service committed to his charge) but greatly commend his wisdome and modestye in the discreat handling and prosequuting the causes he had to deale in here; for the which as he deserveth a singular good opinion and commendation at our handis, so wee suppose him to be no lesse worthy of your good likingis and furtherance of the Kingis good opinion towardis him and allowaunce of his discreat manner of proceading in the charge committed unto him. And so, nothing doubting of your honnorable and dutifull care for the continewaunce of the good intelligence betwene the two Crownes, and of the extending your particular favour towardis this bearer, wee committ your good Lordships to the protection of the Allmightie.

From the Court at Greinwich the second of September 1579.

Your Lordships assured loving Frendes,

R. Leycester. F. Hunsdon.
F. Knollys. H. Sydney.
Chr. Hatton. Fra. Walsingham. Tho. Wylson.

[Addressed]—To our verye good Lordes,
The Lordes of the Kinges Highnes
Counsell in the Realme of Scotland."

1579. Nov. 19.

5. Letter of charge to Johnne Johnnestoun of that Ilk, at the instance of Petir Reid in Glencarne, executed by Williame Porteous, messenger, on 13th December 1579, in presence of Richard Bynning, Williame Forsythe, messengers, James Johnnestoun, William Alane, and Alexander Fedace [*ante*, p. 254].

iscellaneous
pers.

6. Letter of summons to Archibald Maxwell of Cowhill and Johnne Maxwell in Beltersane on the one part, and Mongo Johnstoun, son of Robert Johnnestoun in Carnsalloch, and Habbe Jarden, his servant, on the other part, to appear before the Privy Council upon 25th February inst., "to underly sic ordour as salbe thocht maist meit for the weill and quietnes of the cuntre in tyme cuming, under the pane of rebellioun." The summons, which is dated at Holyroodhouse, and is to be executed by Johnne Broun and Johnne Fraser, messengers, bears to be occasioned by "sum variance and contraversy within oure burgh of Drumfreis betuix divers personis, of quhome sum hes ressavit hurt to the effusioun of their blude in greit quantitie;" and the persons named are summoned as reported to be "the cheif authouris and movaris of the said contraversy" [*ante*, pp. 263, 268]. 1579. Feb. 8.

7. Letter of summons, by the same messengers, to Alexander Jarden of Apilgirth, on the one side, and Thomas Kirkpatrik, younger of Closburne, and Roger Greirsoun of Lag, on the other side, to answer upon the same day regarding the same "variance;" and commanding them in the meantime to assure one another till 1st August next [*ante*, p. 268]: Holyroodhouse. Feb. 8.

8. Letter of summons to Archibald M^{c}Brair of Almygill, Mr David Maxwall, brother of Robert Maxwall of Cowhill, Harbert Ranyng, younger in Drumfreis, Thome Sawrycht, wright, there, Johnne Yair there, Archie M^{c}Brair, son of the late Thome M^{c}Brair, and Johnne Kid, cordwainer in Drumfreis, to answer before the Council on the same day "tuicheing the hurting and blude-drawing of Robert Johnnestoun of Carnsalloch" in Drumfreis in January last: dated at Holyroodhouse. Johne Broun, messenger, executes the charge upon Archibald M^{c}Brair of Almagill, 11th February, before these witnesses: Robert Monteyth, Thomas Ker, servants of the Laird of Cesfurd. Thomas Hog and Thomas Scott execute it upon the remaining persons above mentioned on 15th February, before these witnesses: Jhone Andersoun, messenger, Nicoll Melvell, messenger, Jhone Jhonestoun, flesher, Adam Carlell of Brydekirk [*ante*, pp. 263, 268]. Feb. 9.

9. Letter of summons to Robert Johnnestoun, parson of Lochmaben, Edward Maxwall in Portrak, Mungo Johnnestoun, the said Robert's bastard son, Williame Gluver, his servant, Habbie Jardane, Mr Homer Maxwall, commissary of Drumfreis, Robert Fynlaw, his servant, Edward Maxwall of Tinwald, Herbert Carlile, his servant, James Maxwall of Portrak, Johnne and Mungo Maxwall, his brothers, Patrik Newall, Robert Newall, Nicoll Newall and Johnne Newall, to answer before the Council upon 25th February inst., for having assaulted Archibald M^{c}Brair, provost of Drumfreis, and Archibald Maxwall, brother of Robert Maxwall of Cowhill, and wounded them "in thair heidis to the gret effusioun of thair blude," when interponing upon 11th January last in the fight between the Lairds of Apilgirth and Cloisburne within the burgh of Drumfreis: dated at Feb. 9.

Holyroodhouse. The charge upon Robert Jhonestoun, parson, Mungo his son, and Harbert Jarding, his servant, was executed upon 17th February by Robert Maxwall, messenger, before these witnesses: Gilbert, commendator of Newabbay, William Maxwall of Carnsalloch, Symon Jhonston, merchant, and Geordy Maxwall; also, upon 18th February, the same messenger summoned and charged Herbert Carlell before these witnesses: Edward Maxwall of Tynwald ("apperandly his master with quhome he wes rydand"), Robert Jhonestoun, and James Maxwall [*ante*, p. 268]. Miscellaneous Papers.

1579. Feb. 9. 10. Letter of summons to Johnne Gre[ir]soun and Thomas Greirsoun, brothers of George Greirsoun of Lag, Johnne M^c^Brair, servant of Archibald M^c^Brair of Almygill, Johnne Wellis and Robert Forsyth, tailors in Drumfreis, to appear before the Council upon 25th inst., to answer "tuiching the hurting and bluid-drawing of Edward Maxwall of Portrak" in Drumfreis in January last: dated at Holyroodhouse. The charge upon Jhone Greirsoun, Jhone Makbrair, Jhone Wellis, and Robert Forsyth, executed 15th February by Thomas Scot, in presence of Jhone Andersoun, messenger, Nicoll Newell, messenger, Thomas Edyer, and Thomas Makbrair; and the charge upon Thomas Greirsoun, by Oswald Portar, 17th February, before these witnesses: Cuthbert Greirsoun, "father brother to the said Thomas," Sir Johne Johnnestoun, vicar of Dunscoir, and Alexander Fergusoun, called Sandie of Knokhachill [*ante*, pp. 263, 268].

Feb. 27. 11. *Scroll Minute.*—Both parties required to produce their witnesses for proving their allegations before a date not specified [? the Laird of Johnstone against Lord Maxwell, pp. 284, 289]. Charge to the Laird of Apilgirth to subscribe the assurance [*ante*, p. 268]. Similar charge to the old Laird of Closburne. Entry of Thomas Greir[soun], brother of the Laird of Lag, before the Privy Council by Thomas Kirkpatrik, younger, of Closburne. To denounce Harbert Jarden. To write to the Laird of Johnstoun anent the house of Lochmaben.

1580. July 26. 12. Letter, subscribed "James R.," and countersigned "James Steuart, R. Dunfermling," charging Williame Reidpeth of that Ilk and Williame Reidpeth in Angelraw on the one part, and Williame Reidpeth of Grenelaw and Adame Reidpeth of Westraw on the other part [*ante*, p. 310], to appear before the King and Council upon 23rd August next, and to desist in the meantime "fra all making of convocatioun of liegis, or invasioun or persute, ayther of thame of uther be way of deid," under pain of rebellion: dated at St Andrews. Executed by Williame Porteous, messenger, 4th August, before these witnesses: James Batysoun, Johnne Gray, Johnne Porteous, and Alexander Home. [On the margin] Stirling, 25th Aug. 1580, "Cautioun to be tane of bayth the partiis, ayther of thame under the pane of ii^m^ li., and for thair compeirance personalie befoir the Justice or his deputis. Cautioun of the Turnbillis, ilk ane of thame under the pane of v^m^ merkis."

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13. Deposition by Mr John Provand:—"The quhilk day, in presens of the Erllis of Ergyle, Levenax, the Lordis Ruthven, Newbottill, Uchiltre, Seytoun, Dunfermling, and the Clerk of Register, Master Johnne Provand, burges of Edinburgh, being inquirit gif he come doun and spak the Erll of Mortoun in his ludgeing in the Abbey upoun Settirday at even the last of December last, deponis that he come not doun that nycht, bot upoun the morne thaireftir he come doun afoir precheing and spak the said Erll; and thaireftir he past up to his dennar in his awin hous in the toun of Edinburgh, quhair he remanit quhill four houris at eftir none; at quhilk tyme he come doun agane, having na uther erand first nor last bot to procure a precept for causing him to be answerit of sum woll that this deponaris wyff bocht fra the said Erll; and, becaus lasour could not then be had, this deponar tareit half ane hour and past hame agane and come not doun agane quhill the morne thaireftir, being Mononday last in the morning, at quhilk tyme he gat ane precept to the tennentis of Lyntoun to carry the same woll fra the Drochallis to Edinburgh, with a command to Johnne M^cMoraine to se the same weyit:" Holyroodhouse. 1580. Jan. 3

COMPLETE COPY OF ACT AT PAGE 430.

1581. Oct. 28.

Approbation of the order for electing Bishops and appointing to benefices agreed upon at Leith in 1571.

"The quhilk day the Kingis Majestie and Lordis of Secreit Counsall having sein, hard, and considderit the forme, maner, and ordour aggried upone at Leith betuix certane commissionaris nominat and appoynttit be his Hienes, with advys of Johnne, Erll of Mar, his Majesties regent for the tyme, and divers commissioneris lykwyse nominat and appoyntit be the Generall Assemblie of the Kirk, anent the creating and electing of bischopes and presentatioun and admissioun of persones to benefices, allowis, approvis and thinkis meitt that the said ordour be continewit and followit out in tyme cuming quhill his Majesteis perfyte aige, or quhill the same be alterit or abolished be his Hienes with advys of his Thrie Estaittes in Parliament:"[1] Holyroodhouse. "The Estate Bishops," F 12, a.

[1] The Register being defective in October and November 1581 (see *ante*, pp. 427–430), this Act is taken from a thin little MS. volume titled on the back *Acts of the Privy Council relating to the Estate of Bishops*, 1571–1607, and described in the following note prefixed to it in a contemporary hand :—

"Ane collectioun of the severall Acts off the Secreit Counsall off Scotland anent the Estaite off Archbischops and Bischops and Generall Assembleis off the Church off Scotland, and how farre the same hes beine warranted thairby since the Reformatioun of Relligioun, anno 1560 ; conteining also what hes beine the bygane practeis in convocating, prorogating, and dischairging off Generall Assemblies, and ordour taiken with thair disobedience : faithfullie collected out off the Registeres of the Secreit Counsall be Sir John Hay, clerk off our Soverane Lords Registre.

"At the end thair is ane note of the severall Parliamentis, anno 1579 and since, and off the Prelates who sate and voted in the same *pro clero* till 1607, faithfullie extracted out off the Parliament buiks be the said Clerk of Register.

"The double heiroff is conteined in the buik delyverd to his Majesties Commissioner be the said Clerk of Register."

Sir John Hay was Clerk-Register from 1633 to 1637.

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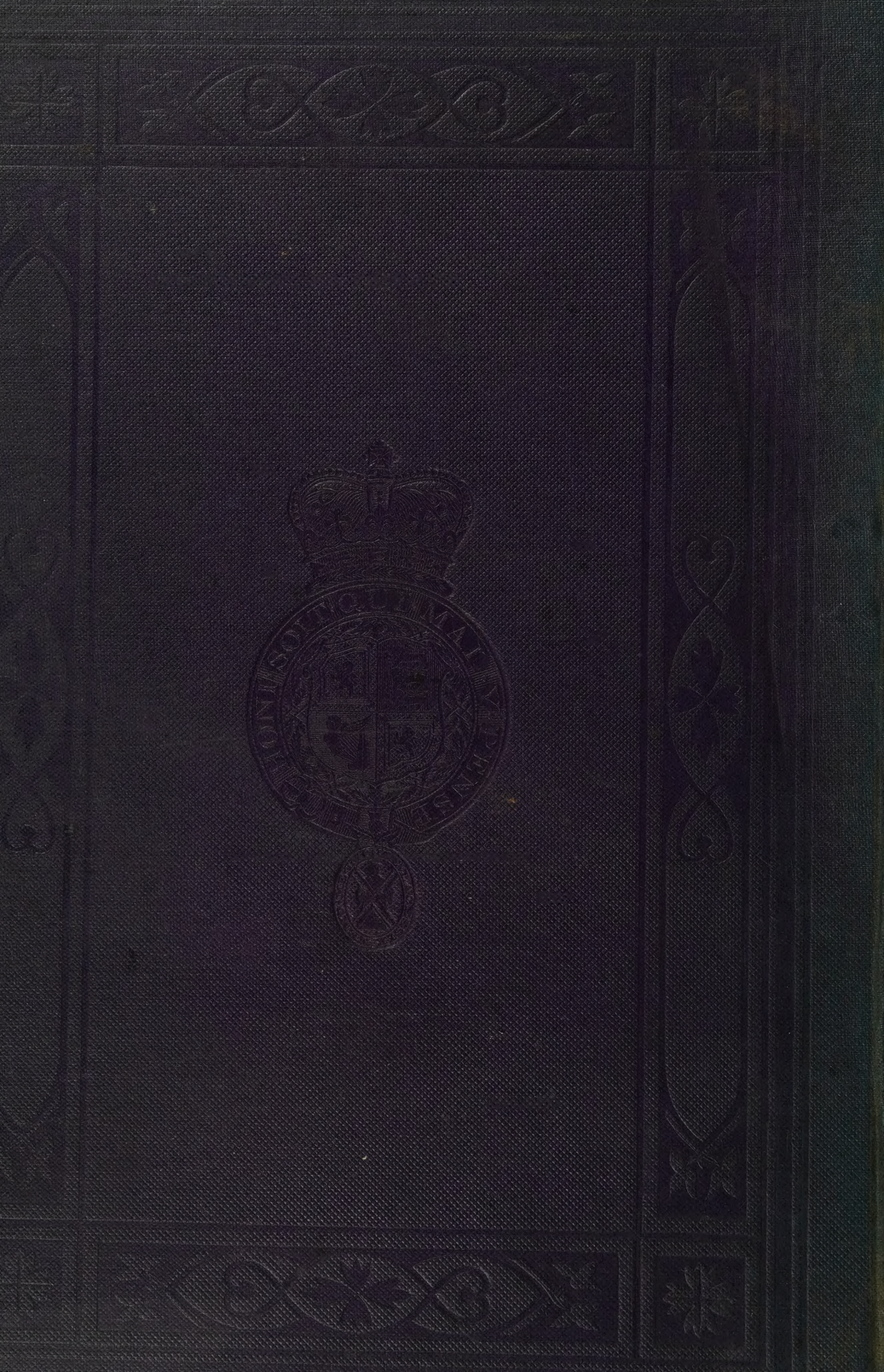
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